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Commission on Crime Prevention and Criminal Justice

Report on the Third Session (26 April-6 May 1994)

Economic and Social Council

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NOTE

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SUMMARY

At its third session, the Commission on Crime Prevention and Criminal Justice recommended to the Economic and Social Council the adoption of twelve draft resolutions and three draft decisions. In addition, it adopted five resolutions and two decisions to be brought to the attention of the Council.

In draft resolution I on organized transnational crime, the Council would reiterate its request to all Member States to be represented, at the highest possible level, at the World Ministerial Conference on Organized Transnational Crime to be held at Naples, Italy, from 24 to 26 October 1994, and take note of a document considered by the Commission, as a basis for substantive discussion. The Council would request the Secretary-General to submit background documents to the Conference and continue analysing and disseminating information on the incidence, expansion and effects of organized transnational crime, as well as collecting the provisions of national legislation, and make them available to Governments, at their request. The Council would also request the Secretary-General to provide, upon request, advisory services and practical assistance to Member States and conduct regional workshops and training programmes, calling upon Member States to extend their full cooperation in performing such a task. The Council would further request the Commission on Crime Prevention and Criminal Justice to coordinate efforts in that regard, according high priority to the question and giving appropriate follow-up to the results of the Conference.

In draft resolution II on control of the proceeds of crime, the Council would recommend to the World Ministerial Conference on Organized Transnational Crime to take into account the conclusions and recommendations of the International Conference on Laundering and Controlling Proceeds of Crime: A Global Approach, held at Courmayeur, Italy, from 17 to 21 June 1993. It would request the Secretary-General to establish and maintain close cooperation with Member States, intergovernmental organizations and other entities with respect to the prevention and control of the laundering of the proceeds of crime and, within the overall existing resources, facilitate the organization of regional training seminars and elaborate model curricula and manuals for higher legal education. It would also invite Member States to avail themselves of the advisory services available through the United Nations crime prevention and criminal justice programme.

In draft resolution III on criminal justice action to combat the organized smuggling of illegal migrants across national boundaries, the Council would condemn the practice of smuggling of illegal migrants, recognize that such smuggling was a widespread international criminal activity, and acknowledge the substantial role played by organized transnational crime. It would reaffirm the need to observe fully international and national law in dealing with that problem and request States to share information, coordinate law enforcement activities and cooperate in order to trace and arrest those who organized such smuggling. It would also call upon Member States and relevant specialized agencies and international organizations to cooperate in that regard at the bilateral and multilateral levels, and respond promptly to the invitation of the General Assembly, contained in its resolution 48/102, to report to the Secretary-General on measures taken to combat the smuggling of aliens.

In draft resolution IV on the role of criminal law in the protection of the environment, the Council would take note of the recommendations of the Ad Hoc Expert Group on More Effective Forms of International Cooperation against

Transnational Crime, including Environmental Crime, held at Vienna from 7 to 10 December 1993, annexed to the draft resolution. In addition to inviting Member States and relevant bodies to continue their efforts in protecting nature and the environment, the Council would also request the United Nations Environment Programme and other organizations and bodies of the United Nations to take into account the above-mentioned recommendations in their deliberations concerning environmental protection, and coordinate any relevant follow-up activities related to criminal law with the Commission on Crime Prevention and Criminal Justice.

In draft resolution V on strengthening the United Nations crime prevention and criminal justice programme the Council would request the Secretary-General, as a matter of urgency, to give effect to General Assembly resolutions 46/152, 47/91 and 48/103 and to Council resolutions 1992/22 and 1993/31, and provide the Crime Prevention and Criminal Justice Branch with the required resources to fully implement its mandate, and establish one post for the programme at the D-2 level. It would also request the Secretary-General to provide adequate funds to build the institutional and operational capacity of the programme to render technical assistance, and ensure implementation in the context of his first performance report on the programme budget for the biennium 1994-1995, if necessary and as appropriate, through the use of the contingency fund.

In draft resolution VI on a proposal for the development of minimum rules for the administration of criminal justice, the Council would note the draft minimum rules for the administration of criminal justice, prepared by an expert commission which met at Palma de Mallorca, Spain, in 1991 and 1992, request the Secretary-General to seek comments on the desirability of preparing and adopting such rules, and report to the Commission on Crime Prevention and Criminal Justice at its fourth session.

In draft resolution VII on United Nations standards and norms on crime prevention and criminal justice, the Council would reaffirm the important contribution that the use and application of United Nations standards and norms make to criminal justice systems, invite Member States to ensure their widest dissemination, endorse the questionnaires on their implementation and request the Secretary-General to promote their use and application through advisory services, training courses and the further development of manuals and guidelines.

In draft resolution VIII on preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the Council would take action on the organizational arrangements of the Congress by accepting with gratitude the generous invitation of the Government of Tunisia to act as host, requesting the Secretary-General to appoint a Secretary-General, as well as an Executive Secretary of the Congress, in accordance with past practice, taking note of the reports of the five regional preparatory meetings and approving the proposals of the Secretary-General with respect to documentation. The Secretary-General would also be requested to facilitate the broader participation of developing countries, intensify public information activities, and maintain close cooperation with Governments and intergovernmental and non-governmental organizations, including proper coordination of workshops, so as to ensure adequate preparation and proper conduct of the Congress. As to the substantive arrangements, the Council would recommend to the Congress a number of ways to focus the discussion on the major substantive topics of the Congress, including international cooperation and technical assistance for strengthening the rule of law, prevention and control of national and transnational economic and organized crime, reform of criminal

justice and police systems, crime prevention strategies, promotion of coordination of effective ways to tackle corruption, as well as provide specific suggestions related to the six workshops.

In draft resolution IX on proposed guidelines for the prevention of urban crime, the Council would decide to forward the guidelines to the Ninth Congress for its consideration, and request the Commission on Crime Prevention and Criminal Justice to finalize the text at its fourth session, in the light of the comments made at the Congress, for subsequent publication in the most appropriate form.

In draft resolution X on the African Institute for the Prevention of Crime and the Treatment of Offenders, the Council would request the Secretary-General to ensure that the Institute was provided with adequate funds to fulfil its tasks, also with the assistance of the United Nations Development Programme, and strongly recommend revising its Statute in order to update the terms of reference, with a view to enabling it to respond to the needs of the African region.

In draft resolution XI on technical cooperation the Council would request the Secretary-General to take action on requests from Member States for advisory services and technical assistance by formulating specific projects and seeking funds for their execution, and establish a database on technical assistance, as well as on existing collaborative arrangements and funding. It would urge Member States to give full support to that endeavour by contributing financially and in kind and by providing a basic level of extrabudgetary funds. It would also invite Member States to include projects on crime prevention and criminal justice as part of their priority areas for development and urge them to coordinate their multilateral and bilateral technical cooperation projects with the United Nations crime prevention and criminal justice programme.

In draft resolution XII, the Council would decide to adopt the criterion and procedures for the affiliation with the United Nations of institutes or centres and the establishment of the United Nations subregional institutes in the field of crime prevention and criminal justice annexed to the resolution.

In resolution 3/1 on violence against women and children, the Commission called upon all Governments, as well as intergovernmental and non-governmental organizations, to take all possible steps to eliminate violence against women and children, and requested them to cooperate with and assist the special rapporteurs on those issues. It requested the Secretary-General to report at its fourth session on the activities of United Nations bodies and institutions with respect to those issues and requested the Ninth Congress to consider them in the context of the workshop on the prevention of violent crime.

In resolution 3/2 on international traffic in minors, the Commission requested the Council, at its substantive session of 1994, to consider practical proposals to improve the coordination of efforts being made by relevant entities to deal with that matter, invited the Latin American Institute for the Prevention of Crime and the Treatment of Offenders to prepare a report on the situation with regard to international traffic in minors, using information available to the United Nations system, for submission to the Commission at its fourth session, and decided that the matter should be given priority consideration by the Ninth Congress, under items 2 and 4 of its provisional agenda.

In resolution 3/3 on information management functions of the United Nations crime prevention and criminal justice programme, the Commission urged Member States to support the United Nations Criminal Justice Information Network by inviting criminal justice agencies to join the Network, providing statistical information, and assisting the Secretary-General in developing computerization projects and assistance. It requested the Secretary-General to consider strengthening the servicing of the clearing-house projects by allocating staff and other resources.

In resolution 3/4 on the succession of States in respect of international treaties on combating various manifestations of crime, the Commission urged successor States to confirm to appropriate depositories that they continued to be bound by obligations under relevant international treaties on combating crime to which their predecessor States were parties, and encouraged those that had not done so to consider becoming parties to those treaties to which their predecessor States were not parties.

In resolution 3/5 on coordination and cooperation between the Crime Prevention and Criminal Justice Branch of the Secretariat and the United Nations International Drug Control Programme, the Commission welcomed the activities undertaken jointly by the two programmes, decided to take steps to enhance cooperation with the Commission on Narcotic Drugs, and requested the Secretary-General to ensure continued coordination in that regard.

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Chapter I

MATTERS CALLING FOR ACTION BY THE ECONOMIC AND SOCIAL COUNCIL OR BROUGHT TO ITS ATTENTION

A. Draft resolutions

1. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Organized transnational crime*

The Economic and Social Council,

Alarmed by the expansion and dimensions of organized transnational crime in all its forms and the increasing sophistication and diversification of the activities of organized criminal groups,

Alarmed also by the ability of organized criminal groups to transcend national frontiers, taking advantage of regional arrangements designed to foster free trade and economic and political cooperation and of the gaps in national legislation and international cooperation,

Deeply concerned about the capacity of organized criminal groups to expand their activities, including the use of violence, and to target the security and the economies of countries, in particular developing countries and countries in transition, thereby posing a grave threat to the stability of countries and the viability and further development of their economies,

Convinced of the urgent need for more effective action against organized transnational crime, to be coordinated at the global and regional levels,

Convinced also that such action represents an investment in the future for all societies,

Further convinced that technical assistance in the prevention of organized crime is indispensable and should be given high priority,

Recalling General Assembly resolutions 46/152 of 18 December 1991, 47/87 and 47/91 of 16 December 1992, and 48/102 and 48/103 of 20 December 1993,

Recalling also its resolutions 1992/22 of 30 July 1992 and 1993/29 of 27 July 1993,

1. Takes note of the report of the Secretary-General 1/ on the status of preparations for the World Ministerial Conference on Organized Transnational Crime, to be held at Naples, Italy, from 24 to 26 October 1994;

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* For the discussion, see chap. II.

1/ E/CN.15/1994/4.

2. Also takes note of the discussion held on this topic by the Commission on Crime Prevention and Criminal Justice at its third session and of the document submitted to the Commission by the Government of Italy at that session, annexed to the present resolution, which contains elements useful for the identification of specific matters to be dealt with by the World Ministerial Conference on Organized Transnational Crime, and which is to be used as a basis for the substantive discussion of the objectives of the World Ministerial Conference;

3. Reiterates its request to all Member States to be represented at the World Ministerial Conference on Organized Transnational Crime at the highest possible level;

4. Commends the work done thus far by the Coordination Committee established by the Government of Italy in preparation for the World Ministerial Conference, and recommends that its efforts be continued and intensified to ensure, in close cooperation with the Crime Prevention and Criminal Justice Branch of the Secretariat, the finalization of all the necessary preparations;

5. Requests the Secretary-General to submit to the World Ministerial Conference background documents on each of its objectives, listed in paragraph 1 of Economic and Social Council resolution 1993/29, seeking input from Member States, in order to assist the World Ministerial Conference in its deliberations;

6. Recommends that the World Ministerial Conference take into consideration, inter alia, the conclusions and recommendations of the International Conference on Laundering and Controlling Proceeds of Crime: A Global Approach, organized by the Government of Italy, in cooperation with the International Scientific and Professional Advisory Council and under the auspices of the Crime Prevention and Criminal Justice Branch, to be held at Courmayeur, Italy, from 17 to 21 June 1994, pursuant to Economic and Social Council resolution 1993/30 of 27 July 1993;

7. Requests the Secretary-General, within the overall existing resources of the United Nations, to continue collecting, analysing and disseminating information on the incidence, expansion and effects of organized transnational crime;

8. Also requests the Secretary-General, within the overall existing resources of the United Nations, to continue collecting, as appropriate, the provisions of national legislation on the prevention and control of organized transnational crime, as well as on seizure, forfeiture and control of the proceeds of crime, money-laundering, monitoring of large-scale cash transactions and other measures, taking into account the work done by other intergovernmental organizations, and to make them available to Member States desiring to enact or further develop legislation in those areas, at their request;

9. Calls upon Member States to extend their full cooperation to the Secretary-General in performing the task described in paragraph 8 above and to respond promptly to his requests for information on those matters;

10. Requests the Secretary-General to provide, within the overall existing resources of the United Nations, upon request, advisory services and practical assistance to Member States wishing to adopt legislation or amendments or other measures, and to upgrade the skills of their criminal justice personnel, in order to prevent and control organized transnational crime;

11. Also requests the Secretary-General, within the overall existing resources of the United Nations, to organize and conduct regional workshops and training programmes to deal with specific aspects of organized transnational crime, in accordance with the specific needs of Member States;

12. Requests the Commission on Crime Prevention and Criminal Justice to act as focal point in order to facilitate coordination of efforts and relevant activities of other entities of the United Nations system and to closely cooperate with other intergovernmental organizations to maximize the impact of efforts in the field;

13. Also requests the Commission to continue to accord high priority to the question of organized transnational crime;

14. Further requests the Commission to follow up appropriately the results of the World Ministerial Conference on Organized Transnational Crime.

Annex

DISCUSSION DOCUMENT ON THE WORLD MINISTERIAL CONFERENCE ON ORGANIZED TRANSNATIONAL CRIME

1. The objectives of the World Ministerial Conference on Organized Transnational Crime were defined by the Economic and Social Council in its resolution 1993/29 of 27 July 1993. They represent five areas on which the ministers attending the Conference will debate and make decisions.

2. Taking into consideration the five areas and the political nature of the Conference, it should not only embody the political will of nations to fight organized transnational crime with firmness, but also highlight the fundamental principles of national initiatives and those upon which international cooperation should be based.

3. It is common knowledge that experience in relation to organized crime is characterized by both the extreme seriousness of the phenomenon and by the strong reaction shown by the authorities.

4. In recent years, the fight against organized crime has, in a number of countries, paved the way for the introduction of strict and effective legislative measures and for the organization of new operational instruments that have allowed the authorities to react, often successfully, against the phenomenon, limiting its potential damage to society and individuals.

5. However, through direct experience, especially in the use of the instruments offered by the criminal justice system, Governments have become aware that for national action to be effective there needs to be cooperation from all nations. Governments have also come to understand that organized crime is, due to its nature, a pervasive phenomenon. Therefore, the international community should find ways to cooperate, not only in controlling current illicit behaviour, but also in preventing the expansion of the phenomenon in new areas where defence mechanisms against the spread of such criminal activities are weak.

6. The necessity for international cooperation is always accompanied by a common concern and by general expressions of political will. Global action does

not always follow, however, and sometimes mutual assistance is not even possible in individual cases.

7. It is believed that these difficulties are the result of the great differences that still exist among countries in their understanding and evaluation of the phenomenon and, consequently, in their choice of policies to fight organized crime, as well as the result of the different degree of development of laws and regulations and legislative and organizational measures applied in each country.

8. Therefore, it is hoped that the Conference will contribute towards the creation of a common perception of organized crime within the international community and that it will lead to a generally agreed essential concept of the phenomenon, through which it will be possible to lay down proposals for more homogeneous national measures that will also make cooperation more effective.

9. In order to reach this goal, it should be stressed that, according to current experience, positive results can be achieved in the fight against organized crime not by focusing on one or another type of "definite" crimes committed by criminal groups, for example, drug trafficking, extortion, illegal gambling or trafficking in arms. It is important to use normative and organizational measures that can be applied to every aspect of criminal activity. In other words, there is a need to devise strategies related to the structural characteristics of organized crime which, besides the essential element of having more individuals organized in a group, include the goal of profit-making; the use of violence, intimidation and corruption; the hierarchical link or personal relationships that make it possible to closely control the activities of the group; the economic control of whole territories; the laundering of illicit profits in order not only to organize other criminal activities but also to set up legal businesses (with the consequent effect of corrupting them); the great potential of expansion beyond national boundaries; and the tendency to organize international operations together with other groups of different nationalities.

10. In this perspective, the Conference and the subsequent actions of the United Nations in promoting crime prevention and criminal justice should take into account the above-mentioned elements.

11. The analysis of the above-mentioned structural characteristics highlights the importance of adopting a series of measures against organized crime, both in the area of substantial and procedural penal law and in the area of international cooperation. It is hoped that the issues presented below will receive particular attention from the Governments and competent international organizations attending the Conference.

12. As far as substantive penal law is concerned, particular attention should be paid to the "criminalization" of participation in a criminal organization. The existence of specific crimes such as the "association of criminals" of French law or the "criminal association" or "Mafia association" of the Italian penal code or the various types of "conspiracy" of other criminal laws, should be used as an example. In Italy, for example, the "association" crimes have played a key role in criminal justice intervention against organized crime.

13. The use in all nations of similar, if not identical, types of incrimination for members of criminal organizations can help reduce the spread of organized crime and will facilitate legal cooperation, especially when it is based on the principle of "dual criminality".

14. The accumulation of large amounts of capital originating from criminal activities, not only from drug trafficking, and the resulting need of criminal organizations to launder those profits and invest them in legal businesses leads, as far as the substantive penal law is concerned, to the necessity of criminalizing such acts in relation to any kind of profit-making criminal activity. Particular attention should also be given to correct and well-defined incrimination of economic crimes.

15. For the same reason, it is important not to neglect preventive measures, ensuring a clear definition of the position of the owners of companies and accurate control of acquisitions and transfers; a high ethical standard in public administration and financial institutions; and cooperation between the authorities in charge of regulating financial and economic sectors, and those in charge of applying the penal code.

16. The fight against organized crime is based on strategies aimed at defeating the economic power of criminal organizations, which should also involve criminal law measures, in particular in the field of appropriate sanctioning and sentencing.

17. Measures such as the confiscation of illicit proceeds are of great importance to the achievement of those goals. Such measures can prevent the accumulation of illegal profits and make a great contribution towards the destabilization of criminal groups by targeting their resources.

18. It should be noted that in some countries - under specific conditions and always through judicial proceedings - it is possible to confiscate illegal profits even without a guilty verdict, or to confiscate sums that are definitely higher than those relating to the crime for which judgement has been passed. This possibility should be taken into consideration when discussing the enactment of new legislation relating to confiscation or the modification of existing legislation.

19. As far as police action and criminal proceedings are concerned, it should be pointed out that in criminal proceedings related to organized crime offences, the investigative aspect and identifying and securing of evidence present particular difficulties. Three main issues should be stressed: the increase of "intelligence"; the introduction and development of investigative methods that make it possible to "penetrate" criminal organizations; and investigative methods and legal measures aimed at preserving illicit profits, thus facilitating their confiscation.

20. As far as intelligence is concerned, it is clear that organized crime is a phenomenon that needs to be studied and understood more than other less structured crimes. It is crucial to obtain more information on the general organization of the criminal groups, on the types of activities on which those groups thrive, on the interrelationships of the various groups, on the means that they commonly use to sustain themselves and on anything else that provides a better view of this very complex combination of activities, people and means.

21. Specialized investigative units should be created to fulfil the investigative requirements. Measures should also be adopted in order to facilitate the use of means of information-gathering, such as the interception of communications, controlled delivery, and testimony of cooperating witnesses.

22. In promoting the use of these measures for gathering intelligence and collecting evidence, it is necessary to keep in mind the fact that the limits of

the law must not be exceeded. In some countries, those measures have proved to be of the utmost importance for the successful outcome of investigations.

23. The Conference should also discuss the issue of financial investigations. Three main requirements should be emphasized: the development of a technical understanding of the financial operations involved, by the relevant police departments and among prosecutors (and as far as trials are concerned, also among judges); the need to eliminate obstacles created by the law during investigations in relation to the operations of financial institutions; and the need to assign an active role to financial institutions (and, when appropriate, to other economic entities, which are often used in money-laundering) in the first steps of an investigation of suspicious transactions.

24. It should be noted that the strategy of "penetrating" criminal organizations, both for intelligence purposes and for purposes related to gathering of evidence, strongly depends on the testimony of members of criminal organizations. This should lead to the introduction of measures that can encourage such testimony, provide the cooperating witnesses and their families with the necessary protection, through adequate protection programmes, and - within the limits imposed by national laws - provide "rewards" in the form of penalty reductions for witnesses who are also charged with criminal offences.

25. One final important issue that should be discussed by the Conference is international cooperation during investigations and judicial proceedings. The analysis and consideration by the Conference should be developed along four fronts. Because of the importance of bilateral and multilateral assistance (with particular reference to extradition and mutual assistance in investigation and gathering of evidence), the lack of relevant agreements critically hinders the development of effective cooperation.

26. First, the Conference should take into account this problem and should promote the development of international agreements in the above-mentioned areas. More widespread promotion of "model" treaties adopted by the United Nations could help foster the rapid conclusion of such agreements.

27. The second front is improving the practical application of existing agreements. This could be achieved by informal arrangements and operational instruments - such as the publication and exchange of manuals for a better understanding of national procedures, the creation of "central national authorities" in charge of interstate affairs and specialized in solving particular problems raised by them; the creation of "contact points", in the relevant public offices, which will facilitate the proceedings.

28. The third front - perhaps the most difficult one - is devising adequate ad hoc measures of international cooperation that are aimed specifically at fighting organized crime and are more specific than those generally applicable to other crimes. Such measures should take into account the above-mentioned structural characteristics of organized crime and could benefit from a comparative study between what is described in the "model treaties", and frequently contained in existing agreements, and the provisions of more specialized and advanced conventions concerning serious criminal offences such as those in United Nations conventions on drug trafficking.

29. The fourth front is the international exchange of intelligence, also as a preventive measure. Among other things, a study of the most adequate forms of international assistance among "non-police administrative bodies" could be useful; such bodies would include, for example, the administrative bodies of

financial sectors that are competent in such areas as the analysis of financial flows and/or in the investigation of suspicious transactions.

30. The Conference should be concerned with the general problem of researching and passing on information, at the international level, on organized crime and on legislative and organizational regulations set up in individual countries. The role of the United Nations in this matter should be of great importance and the Conference should outline the tasks of the Commission and of the programme in this area. Moreover, this activity could be the foundation for the development of technical cooperation with countries that are in need of such assistance.

31. For effective international cooperation against organized crime, there is also a need to initiate activities involving strengthened technical cooperation, in which the more developed countries will have to show their strong commitment by investing the necessary resources. No action at the international level can achieve positive results if developing countries are not given an opportunity to create and improve an appropriate judicial system and to use proper tools for investigations, evaluations, intervention, interchange, incrimination and the carrying out of penalties.

32. Awareness of the seriousness of this international challenge can be encouraged by the systematic exchange of experiences, by the proper training of police and judicial staff and by the use of effective countermeasures. All this awareness will positively affect the operational plans and legislative reforms that will have to be gradually carried out in order to fight organized crime at the international level.

33. This prospect becomes more evident when considering the fact that criminal organizations are inclined to expand their illegal activities in developing regions as long as more effective countermeasures are adopted elsewhere. In such a situation, organized crime will concentrate on those countries where the financial and economic sectors show lower resistance to criminal infiltration.

34. It is, therefore, of fundamental importance that all existing technical, bilateral and multilateral activities involving technical cooperation be well focused and that the means for coordinating such activities be studied in order to avoid overlapping.

35. A final aspect that should be given serious consideration is proper economic compensation for the victims of organized crime. This compensation should be charged to the person responsible for the crimes committed. Consideration should be given to the creation of a special fund to compensate victims when compensation cannot be charged to the person responsible; such a fund might be partially subsidized by confiscated capital.

36. Discussions on the possible close approximation of national legislation with regard to the criminalization of organized crime and related criminal justice measures should be actively pursued.

37. As to technical cooperation, the three following areas of intervention appear to be of particular interest:

(a) Assistance should be provided in drafting legislation in those countries that still do not have a penal system suitable for fighting organized crime;

(b) Special training courses for all personnel involved in the field should be planned and carried out. Specific training should be provided for police staff, investigating judges and magistrates, and all those officials who provide technical cooperation to investigative bodies;

(c) Technical assistance should be provided to those high-risk areas through the gathering, analysis and exchange of data on criminal organizations and related activities.

38. In relation to the question of which instruments are proper for the development of future action, it is believed that bilateral cooperation, especially through agreements between a growing but still limited number of countries, has highlighted inadequacies in the fight against organized crime. Through new agreements, new judicial measures and instruments could be tested. These could involve the whole international community.

39. It is the Conference that will identify the action and decisions to be carried out within the programme of work of the Commission. The Economic and Social Council, in its resolution 1993/29, stated that one of the objectives of the Conference would be to consider the feasibility of elaborating international instruments, including conventions, against organized transnational crime.

40. It is believed that decisions will be taken only when more precise ministerial choices concerning substantial matters become clear. This could lead to the elaboration of binding instruments, as indicated in Council resolution 1993/29, or the opportunity to establish tools other than binding legal agreements, such as models of technical agreements; manuals for police and judicial cooperation; publications or other communication methods, as well as computerized databases for storing and updating information on organized crime and on legal and practical countermeasures adopted in different countries.

DRAFT RESOLUTION II

Control of the proceeds of crime*

The Economic and Social Council,

Alarmed by the scope and growth of proceeds of crime and their impact on national economies,

Convinced that international action against organized transnational crime can be effective only if it devotes particular attention to prevention and control of the laundering of the proceeds of crime and the control of such proceeds,

Convinced also that effective prevention and control of the laundering of the proceeds of crime and the control of such proceeds require concerted global action to curb the capacity of criminal organizations to transfer the proceeds of their activities across national frontiers by taking advantage of gaps in international cooperation,

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* For the discussion see chap. II.

Convinced further that criminal organizations engage in a multitude of criminal activities generating illicit profits and that international action aimed at controlling the proceeds of crime can therefore be effective only if it takes into account all aspects of the problem,

Deeply concerned about the ability of organized criminal groups to infiltrate the national economies of countries in transition and to use them for the investment of their illicit proceeds,

Recalling its resolution 1993/30 of 27 July 1993 and General Assembly resolution 48/103 of 20 December 1993,

Recalling also the recommendations contained in the Global Programme of Action adopted by the General Assembly at its seventeenth special session, 2/ on measures to be taken against the effects of money derived from, used in or intended for use in illicit drug trafficking, illegal financial flows and illegal use of the banking system,

Welcoming Commission on Narcotic Drugs resolution 5 (XXXVII) of 21 April 1994, 3/

1. Expresses its appreciation to the Government of Italy and to the International Scientific and Professional Advisory Council for organizing the International Conference on Laundering and Controlling Proceeds of Crime: A Global Approach, held at Courmayeur, Italy, from 17 to 21 June 1994;

2. Recommends that the World Ministerial Conference on Organized Transnational Crime, to be held at Naples, Italy, from 24 to 26 October 1994, should take into account the conclusions and recommendations of the International Conference;

3. Notes with appreciation the efforts already undertaken by the United Nations International Drug Control Programme, in cooperation with the Financial Action Task Force established by the heads of State or Government of the seven major industrialized countries and the President of the Commission of the European Communities, as well as the Council of Europe, the European Community and the Inter-American Drug Abuse Control Commission of the Organization of American States;

4. Requests the Secretary-General to establish and maintain close cooperation with Member States, intergovernmental organizations and other entities active in the field of controlling the proceeds of crime, including the regular exchange of information, and calls upon those entities to extend their full support to the United Nations crime prevention and criminal justice programme and its relevant activities;

5. Also requests the Secretary-General, taking into account the work already carried out by Member States and intergovernmental organizations, to cooperate with them in disseminating principles and issues that should be addressed in substantive and procedural legislation on prevention and control of the laundering of the proceeds of crime and the control of such proceeds, for

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2/ General Assembly resolution S-17/2, annex.

3/ See Official Records of the Economic and Social Council, 1994, Supplement No. 10 (E/1994/30).

incorporation in national penal and procedural codes by Member States wishing to do so;

6. Further requests the Secretary-General, within overall existing resources, to organize, or to facilitate the organization of, in coordination with Member States and intergovernmental organizations, regional training seminars, including such seminars for countries in transition, designed to provide criminal justice personnel with the capacity to detect, investigate, prosecute and adjudicate cases involving the laundering and control of the proceeds of crime;

7. Invites Member States to avail themselves of the advisory services and practical assistance available through the United Nations crime prevention and criminal justice programme;

8. Requests the Secretary-General, in cooperation with interested Member States, intergovernmental and non-governmental organizations, financial and academic institutions, and individual experts of recognized calibre, to assist Member States in elaborating model curricula and manuals for higher legal education and of designing special courses in academic institutions on various aspects of prevention and control of the laundering of the proceeds of crime and the control of such proceeds;

9. Requests the Commission on Crime Prevention and Criminal Justice to continue its consideration of prevention and control of the laundering of the proceeds of crime and the control of such proceeds;

10. Requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fifth session on international, regional and other initiatives for prevention and control of the laundering of the proceeds of crime and the control of such proceeds, including recommendations for further concerted action at the global level, and on the implementation of the present resolution and of Economic and Social Council resolution 1993/30.

DRAFT RESOLUTION III

Criminal justice action to combat the organized smuggling of illegal migrants across national boundaries*

The Economic and Social Council,

Recalling that the General Assembly, in its resolution 48/102 of 20 December 1993, requested the Commission on Crime Prevention and Criminal Justice at its third session, to be held in 1994, to consider giving special attention to the question of the smuggling of aliens in order to encourage international cooperation to address that problem within the framework of its mandate,

Concerned about the increasing activities of transnational criminal organizations that profit illicitly by smuggling humans and preying on the dignity and lives of migrants,

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* For the discussion, see chap. II.

Concentrating its attention on crime prevention and criminal justice, in particular the activities of those who organize and facilitate the smuggling of illegal migrants,

Recognizing that organized international criminal groups are becoming increasingly active in smuggling individuals across national boundaries and that they often convince individuals to migrate illegally by various means for enormous profits that are frequently used to finance numerous other criminal activities, thus bringing great harm to the States concerned,

Aware that such activities endanger the lives of the individual migrants involved and entail severe costs for the international community, particularly for those States that have been called upon to rescue and to provide medical care, food, housing and transportation for such individuals,

Acknowledging that socio-economic factors influence the problem of illegal migrant smuggling and also contribute to the complexity of present international migration,

Noting that smugglers, particularly in the State of destination of the illegal migrants being smuggled, often force migrants into forms of debt bondage or servitude, commonly involving criminal activities, in order to pay for their passage,

Convinced of the need to provide humane treatment and to protect fully the human rights of migrants,

Recognizing that such illegal smuggling activity has high social and economic costs, and may contribute to official corruption, and burdens law enforcement agencies in all States where illegal migrants transit or are found,

Recalling the undertaking of States parties to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, done at Geneva on 7 September 1956, 4/ to take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the practice of debt bondage,

Reaffirming respect for the sovereignty and territorial integrity of all States, including their right to control immigration flows,

Concerned that the smuggling of illegal migrants undermines public confidence in policies and procedures for lawful immigration and for ensuring the protection of genuine refugees,

Noting that the smuggling of illegal migrants can involve criminal elements in many States, including the State or States where the smuggling scheme was planned, the State of nationality of the aliens, the State where the means of transport was prepared, the flag State of any vessels or aircraft that transport the aliens, States through which the aliens transit to their destination or in order to be repatriated, and the State of destination,

Noting that some States have enacted effective domestic legislation permitting seizure and forfeiture of all property, both real and personal, that is knowingly used in organized crime activities to smuggle illegal migrants, as

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4/ United Nations, Treaty Series, vol. 266, No. 3822, p. 3.

well as all property, both real and personal, that constitutes, or is derived from, the proceeds of the smuggling, illegal transport or harbouring of illegal migrants,

1. Condemns the practice of smuggling illegal migrants in violation of international standards and national law, and without regard for the safety, well-being and human rights of the migrants;

2. Recognizes that the smuggling of illegal migrants is a widespread international criminal activity frequently involving highly organized international syndicates that traffic in human cargo, without regard for the dangerous and inhumane conditions to which illegal migrants are subjected, and in flagrant violation of domestic laws and international standards;

3. Acknowledges the substantial role played by organized transnational crime in illegal migrant smuggling activities in many parts of the world;

4. Requests States to share information, coordinate law enforcement activities, and otherwise, if their law permits, cooperate in order to trace and arrest those who organize the smuggling of illegal migrants and to prevent the illegal transport by smugglers of third-country nationals through their territory;

5. Calls upon Member States and relevant specialized agencies and international organizations to take into account socio-economic factors and to cooperate at the bilateral and multilateral levels in addressing all aspects of the problem of the organized smuggling of illegal migrants;

6. Reaffirms the need to observe fully international and national law in dealing with the smuggling of illegal migrants, including the provision of humane treatment and strict observance of all human rights of migrants;

7. Emphasizes that international efforts to prevent the smuggling of illegal migrants should not inhibit legal migration or freedom of travel, or undercut the protection provided by international law to refugees;

8. Urges States to take prompt and effective steps to frustrate the objectives and activities of those who organize the smuggling of illegal migrants, thus protecting would-be migrants from exploitation and loss of life;

9. Calls upon all States to take effective and expeditious measures, such as the enactment or amendment if necessary of domestic criminal law, providing appropriate penalties to combat all aspects of organized crime activities constituting the smuggling of illegal migrants, including all elements of the organization of smuggling and transport of illegal migrants, such as the production or distribution of false travel documents, money laundering, systematic extortion and misuse of international commercial aviation and maritime transport, in violation of international standards;

10. Encourages Member States and relevant specialized agencies and intergovernmental organizations to respond promptly to the invitation of the General Assembly, contained in its resolution 48/102, to report to the Secretary-General on the measures they have taken to combat the smuggling of aliens, in sufficient time for their contributions to be included in his report to the General Assembly at its forty-ninth session;

11. Decides that the ever-growing problem of organized smuggling of illegal migrants requires the continuing scrutiny of the international community in general and should be considered by the Commission on Crime Prevention and Criminal Justice at its fourth session in the context of the broader problem of organized transnational crime.

DRAFT RESOLUTION IV

The role of criminal law in the protection of the environment*

The Economic and Social Council,

Recalling General Assembly resolution 45/121 of 14 December 1990 on the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in which the Assembly welcomed the instruments and resolutions adopted by the Eighth Congress, 5/ including the resolution on the role of criminal law in the protection of nature and the environment,

Recalling also General Assembly resolution 46/152, of 18 December 1991, in the annex to which the Assembly called for the strengthening of regional and international cooperation in combating transnational crime,

Recalling its resolution 1993/28 of 27 July 1993 on the role of criminal law in the protection of the environment, in which it took note of the conclusions of the Seminar on the Policy of Criminal Law in the Protection of Nature and the Environment in a European Perspective, held at Lauchhammer, Germany, from 25 to 29 April 1992, annexed to that resolution,

Recalling also its resolution 1993/32 of 27 July 1993 on preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in which the Council approved the provisional agenda for the Ninth Congress, including an item entitled "Action against national and transnational economic and organized crime, and the role of criminal law in the protection of the environment: national experiences and international cooperation", and endorsed the programme of work for the Ninth Congress, including the holding of six workshops, one of them on the topic "Environmental protection at the national and international levels: potentials and limits of criminal justice",

Recalling further the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, in which the World Conference recognized, inter alia, that illicit dumping of toxic and dangerous substances and wastes potentially constituted a serious threat to the human rights to life and health of everyone, 6/

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* For the discussion, see chap. II.

5/ See Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication Sales No. E.91.IV.2), chap. I, sect. C.2.

6/ Report of the World Conference on Human Rights, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III, para. 11.

Taking note of the recommendations of the regional preparatory meetings for the Ninth Congress relating to the protection of the environment through criminal law, 7/

Noting with appreciation the work on the topic "Environmental protection at the national and international levels: potentials and limits of criminal justice" being undertaken by the United Nations Interregional Crime and Justice Research Institute, in view of the workshop to be held on that topic at the Ninth Congress,

Recalling the report of the International Law Commission on the work of its forty-third session, in particular the draft Code of Crimes Against the Peace and Security of Mankind, article 26, on wilful and severe damage to the environment, 8/ and the draft articles on State responsibility, in particular article 19, on international crimes and international delicts, 9/

Noting the recommendation of the colloquium of the International Association of Penal Law held at Ottawa, Canada, in November 1992, to be considered for adoption by the fifteenth International Congress on Penal Law, to be held at Rio de Janeiro, Brazil, in 1994,

Noting with appreciation the work of the Ad Hoc Expert Group on More Effective Forms of International Cooperation against Transnational Crime, including Environmental Crime, held at Vienna from 7 to 10 December 1993,

Noting the report of the International Meeting of Experts on the Use of Criminal Sanctions in the Protection of the Environment, Internationally, Domestically and Regionally, held at Portland, Oregon, United States of America, from 19 to 23 March 1994, in particular the recommendations as to the terms of a possible convention on transnational offences against the environment; the possible draft domestic criminal statute addressing environmental issues; and the recommendations as to a possible structure and operation of a regional enforcement regime,

Convinced that the environmental situation in developed countries, as well as in developing countries, is the cause of increasingly serious concern about damage to the environment and its constituent elements, including water, soil, air, atmosphere, and the living species, including plants, animals and humans, and that it requires comprehensive and integrated approaches to the use of countermeasures, as well as preventive measures, at the national, regional and international levels,

1. Takes note of the recommendations concerning the role of criminal law in protecting the environment, made by the Ad Hoc Expert Group on More Effective Forms of International Cooperation against Transnational Crime, including Environmental Crime, held at Vienna from 7 to 10 December 1993, contained in the annex to the present resolution;

2. Requests that the report of the International Meeting of Experts on the Use of Criminal Sanctions in the Protection of the Environment,

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7/ See A/CONF.169/RPM.1/Rev.1 and Corr.1, 2, 3 and Corr.1, 4 and 5.

8/ See Official Records of the General Assembly, Forty-sixth Session, Supplement No. 10 (A/46/10), paras. 60-176.

9/ Ibid., paras. 302-322.

Internationally, Domestically and Regionally, held at Portland, Oregon, from 19 to 23 March 1994, be issued under the auspices of the United Nations and included, together with the report of the Ad Hoc Expert Group, in the documentation to be prepared for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

3. Requests the Secretary-General to take the conclusions of the Seminar on the Policy of Criminal Law in the Protection of Nature and the Environment in a European Perspective, held at Lauchhammer, Germany, from 25 to 29 April 1992, and the recommendations of the Ad Hoc Expert Group and of the International Meeting of Experts into consideration by developing further activities in the United Nations crime prevention and criminal justice programme;

4. Requests the United Nations Environment Programme and other organizations and bodies of the United Nations to take into account the present resolution in their deliberations concerning environmental protection, and to coordinate any relevant follow-up activities related to criminal law with the Commission on Crime Prevention and Criminal Justice;

5. Invites Member States and relevant bodies to continue their efforts to protect nature and the environment by developing laws and fostering legal and technical cooperation and, when developing criminal laws related to the protection of the environment, to consider the recommendations annexed to the present resolution.

Annex

RECOMMENDATIONS CONCERNING THE ROLE OF CRIMINAL LAW IN PROTECTING THE ENVIRONMENT

Member States should consider adopting the following recommendations concerning the role of criminal law in protecting the environment:

(a) Specific environmental legislation should be further developed on the basis of generally recognized principles, such as the "polluter pays" principle described in principle 16 and the "precautionary principle" described in principle 15 of the Rio Declaration on Environment and Development, adopted by the United Nations Conference on Environment and Development, 10/ giving due and balanced consideration to the need to protect the environment in other parts of the law, and in the context of improving political and social conditions for a responsible environmental policy;

(b) National and supranational authorities should be provided with a wide array of measures, remedies and sanctions, within their constitutional and legal frameworks and consistent with the fundamental principles of criminal law, in order to ensure compliance with environmental protection laws. They should include regulatory and licensing powers, incentives, administrative enforcement mechanisms, and punitive administrative, civil and criminal sanctions for impairing or endangering the environment. They should also include provisions for the forfeiture of profits and proceeds of crime, and of property used or employed in the commission of crime, such as vessels, vehicles, tools, equipment and buildings;

(c) Environmental criminal law should be aimed at promoting all the important components of the environment, including human beings and other living species. It should be directed, in particular, to the regulation, control and, where necessary, the complete prohibition of hazardous activities, including the establishment and operation of hazardous installations, and the illegal import, export, movement and disposal of hazardous materials and wastes;

(d) Substantive environmental criminal law should formulate at least certain core criminal offences. These core offences, which could be autonomous and independent of environmental regulatory laws, should include deliberate, reckless or negligent assaults on the environment that cause or create imminent risks of serious damage, harm or injury. In addition, criminal sanctions should be extended to deliberate, reckless or negligent violations of administrative rules where there is a likelihood of serious harm or danger to the environment. In developing such criminal offences, the field guide contained in the annex to the report by the United Nations Interregional Crime and Justice Research Institute and the Australian Institute of Criminology entitled Environmental Crime, Sanctioning Strategies and Sustainable Development 11/ should be taken into consideration;

10/ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (A/CONF.151/26/Rev.1 (Vol. I and Vol. I/Corr.1, Vol. II, Vol. III and Vol. III/Corr.1)) (United Nations publication, Sales No. E.93.I.8 and corrigenda), Vol. I: Resolutions Adopted by the Conference, resolution 1, annex I.

11/ UNICRI 49.

(e) Subject to relevant international conventions, States should seriously consider enacting legislation prohibiting and sanctioning the export of products that have been banned from domestic use because of their deleterious impact on the environment and human health. Furthermore, Governments might consider the idea of banning the production and import of specific dangerous materials unless sufficient precautionary measures can be taken in respect of their use, treatment or disposal in their countries;

(f) Environmental crimes should cover intentional as well as reckless acts. When serious harm or actual danger of harm has been caused or created, however, negligent conduct should also be a crime if the persons responsible have significantly departed from the care and skill expected of them in the pursuit of their activities. In relatively minor cases, the imposition of fines, including administratively or judicially imposed non-criminal fines, and other non-custodial alternatives should be sufficient;

(g) Support should be given to the extension of the idea of imposing criminal or non-criminal fines or other measures on corporations in jurisdictions in which corporate criminal liability is not currently recognized in the legal systems;

(h) When using criminal law in environmental protection and creating new environmental crimes, consideration should be given to the need for law enforcement resources. Cooperation and coordination between criminal justice agencies and administrative agencies should be promoted, especially in jurisdictions where prosecutions are undertaken by criminal justice agencies. Furthermore, the judiciary should be sensitized to the seriousness of environmental offences and their consequences. Adequate staffing, special training and equipment should be provided to criminal justice agencies;

(i) In designing environmental law enforcement strategies, the legislator should consider in the framework of the constitution and the basic principles of the legal system, the rights of identifiable victims, victim assistance, facilitation of redress and monetary compensation, by removing legal barriers such as standing to sue, participation in proceedings and actions by citizens, including class action suits and citizen suits;

(j) In accordance with the various provisions of Agenda 21, 12/ adopted by the United Nations Conference on Environment and Development, such as those contained in chapters 8, 38 and 39 thereof, collaboration with non-governmental organizations in efforts aimed at the prevention of environmental crimes and the effective redress of damage to health and the environment should be encouraged. Examples of such efforts are the ombudsman-like functions and alternative methods for resolving disputes currently being developed by the Earth Council, a non-governmental organization referred to in chapter 38 of Agenda 21;

(k) On the basis of proposals put forward by the International Law Commission and the discussions at the United Nations Conference on Environment and Development, Member States should consider acknowledging the most serious forms of environmental crimes in an international convention;

12/ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (A/CONF.151/26/Rev.1 (Vol. I and Vol. I/Corr.1, Vol. II, Vol. III and Vol. III/Corr.1)) (United Nations publication, Sales No. E.93.I.8 and corrigenda), Vol. I: Resolutions Adopted by the Conference, resolution 1, annex II.

(l) States should be encouraged to contribute to the codification work of the International Law Commission, in particular in further refining the concept of international crimes and delicts in article 19 of the draft articles on State responsibility 9/ and the concept of environmental crimes in article 26 of the draft Code of Crimes against the Peace and Security of Mankind; 8/

(m) Environmental offences should be framed in such a manner as to cover transboundary and transnational situations. On the one hand, the principle of ubiquity should be taken into consideration in the application of the principle of territoriality. On the other hand, the possibilities of prosecution of crimes of an extraterritorial nature might be extended by applying the principle of nationality, the principle of "extradite or prosecute" or, for example in cases of generally acknowledged international crimes, even the principle of universality;

(n) The use of legal instruments of international cooperation, such as those on extradition, mutual legal assistance and/or transfer of proceedings, should be supported and expanded. Environmental crimes of particular gravity or importance should become extraditable offences;

(o) In order to facilitate the prosecution of international crimes, in particular environmental crimes, States should consider the viability of establishing an international criminal court. Regional initiatives for the establishment of an international court for the prosecution of environmental crimes should be welcomed;

(p) States should consider, at least at the regional level, a minimum harmonization of environmental offences as a basis for international cooperation. In this respect, efforts to promote such harmonization, such as those of the Council of Europe and the Central American States, should be supported;

(q) International cooperation in the enforcement of environmental laws should be fostered by the provision of technical assistance bilaterally, multilaterally and through relevant international agencies, such as the Commission on Crime Prevention and Criminal Justice, the network of institutes of the United Nations crime prevention and criminal justice programme, and similar regional institutes. Further research in this area, including the nature and extent of polluting activities, sanctioning strategies and the appropriate mix of measures in particular situations, should be encouraged.

DRAFT RESOLUTION V

Strengthening the United Nations crime prevention and criminal justice programme*

The Economic and Social Council,

Recalling General Assembly resolution 46/152 of 18 December 1991, in which the Assembly requested the Secretary-General to give a high level of priority to the activities of the United Nations crime prevention and criminal justice programme,

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* For the discussion, see chap. III.

Recalling also its resolution 1992/22 of 30 July 1992, in section VI of which it accorded high priority to the United Nations crime prevention and criminal justice programme and requested an appropriate share of the overall resources of the United Nations for the programme,

Recalling further General Assembly resolutions 47/91 of 16 December 1992 and 48/103 of 20 December 1993, in which the Assembly requested the Secretary-General to upgrade, as a matter of urgency, the Crime Prevention and Criminal Justice Branch of the Secretariat into a division, as recommended in and in accordance with Assembly resolution 46/152 of 18 December 1991,

Recalling further its resolution 1993/34 of 27 July 1993, in section II of which it requested the Secretary-General to strengthen the institutional capacity of the United Nations crime prevention and criminal justice programme to enable it to elaborate, execute and evaluate operational activities and advisory services in its area of competence at the request of Member States,

Convinced that the Crime Prevention and Criminal Justice Branch can only be effective if it is provided with resources commensurate with its requirements and adequate to allow it to implement its mandates and to respond in a timely and efficient manner to the increasing requests of Member States for its services,

Deeply concerned about the delay in the implementation of General Assembly resolutions 46/152, 47/91, 48/103 and Council resolutions 1992/22, 1993/31 and 1993/34, with respect to the strengthening of the United Nations crime prevention and criminal justice programme and the upgrading of the Crime Prevention and Criminal Justice Branch into a division,

Taking note of the report of the Secretary-General 13/ on progress made in the implementation of Economic and Social Council resolutions 1992/22 and 1993/31,

1. Reaffirms the priority attached to the United Nations crime prevention and criminal justice programme, in accordance with General Assembly resolutions 46/152 and 47/91, and the need for the Assembly to devote to the programme an appropriate share of the existing resources of the United Nations;

2. Requests the Secretary-General, as a matter of urgency, to give effect to General Assembly resolutions 46/152, 47/91 and 48/103 and to Council resolutions 1992/22 and 1993/31 by strengthening the Crime Prevention and Criminal Justice Branch, by providing it with the resources required for the full implementation of its mandates and by establishing one post at the D-2 level for the United Nations crime prevention and criminal justice programme, if necessary by redeploying overall existing resources;

3. Recommends that the General Assembly keep under active review the staffing of the United Nations crime prevention and criminal justice programme;

4. Requests the Secretary-General to provide adequate funds to build and maintain the institutional capacity of the United Nations crime prevention and criminal justice programme to respond to requests of Member States for assistance in the field of crime prevention and criminal justice, if necessary through the reallocation of resources;

13/ E/1994/13.

5. Calls on Member States to contribute to the United Nations Crime Prevention and Criminal Justice Fund in order to enable the Crime Prevention and Criminal Justice Branch to provide technical assistance as requested by Member States;

6. Requests the Secretary-General to give consistent consideration to the importance of crime prevention and criminal justice activities in the context of peace-keeping operations and humanitarian assistance in armed conflicts;

7. Calls upon the bodies, specialized agencies, and other entities of the United Nations system, including the international financial institutions, in particular the United Nations Environment Programme, the United Nations International Drug Control Programme and the United Nations Development Programme, within the context of their mandates, to give appropriate consideration to the inclusion in their programme activities of crime prevention and criminal justice issues, including the establishment and maintenance of efficient criminal justice systems, as an essential component of all developmental efforts, and to utilize the expertise of the Crime Prevention and Criminal Justice Branch in the implementation of such activities;

8. Requests the Secretary-General to provide, within existing overall resources, support and training for the enhancement of the operational capacity of the United Nations crime prevention and criminal justice programme;

9. Requests the United Nations International Drug Control Programme to give favourable consideration to assisting the Crime Prevention and Criminal Justice Branch in the formulation and execution of technical assistance projects in areas of mutual concern;

10. Requests the Secretary-General to take appropriate action so that as of the fourth session of the Commission on Crime Prevention and Criminal Justice, the functions of the Secretary of the Commission may be exercised by the substantive secretariat at Vienna;

11. Requests the Secretary-General to ensure implementation of the present resolution in the context of his first performance report on the programme budget for the biennium 1994-1995, if necessary and as appropriate, through the use of the contingency fund, and to report thereon to the Commission on Crime Prevention and Criminal Justice at its fourth session.

DRAFT RESOLUTION VI

Proposal for the development of minimum rules for the administration of criminal justice*

The Economic and Social Council,

Noting that, in many parts of the world, there is an urgent need to modernize criminal justice to bring about greater transparency, immediacy, speed and fairness in criminal proceedings,

Recognizing that some written investigative procedures in some instances and in some countries have shown considerable judicial delays accompanied by prison overcrowding and a large number of persons detained without sentence, with frequent violations of fundamental freedoms and rights,

Recalling that the Latin American and Caribbean Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at San José, Costa Rica, from 7 to 11 March 1994, adopted a resolution, in section IV of which it recommended that Member States of the region, if they had not yet done so, study the introduction of oral criminal procedure, since that would make it possible to replace the written investigative and inquisitorial system, with its attendant delays, violation of the rights and fundamental guarantees of accused and convicted persons, and negation of the rights of victims, 14/

Recognizing the importance of ensuring a fair trial, in accordance with resolution 1993/26 of 25 August 1993 of the Subcommission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind that no detainee or prisoner should be subjected to cruel, inhuman or degrading treatment,

Stressing that criminal proceedings should take place without undue delay, which will help in many countries to reduce the number of persons detained without sentence and to bring about prompt and more effective justice,

Aware of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 15/

Noting that persons in pre-trial detention should be kept separate from convicted prisoners, as provided for in the Standard Minimum Rules for the Treatment of Prisoners, 16/

Recalling the body of principles on arbitrary arrest and detention,

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* For the discussion, see chap. IV.

14/ A/CONF.169/RPM.4.

15/ General Assembly resolution 40/34, annex.

16/ See First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat (United Nations publication, Sales No. 1956.IV.4), annex I.A.

Decides:

(a) To note the draft minimum rules for the administration of criminal justice, 17/ prepared by an expert commission that held four working sessions at Palma de Mallorca, Spain, from 23 to 25 November 1990, from 3 to 5 May 1991, from 5 to 8 September 1991 and from 14 to 16 February 1992, at the invitation of the advisory board to the Presidency of the Balearic Autonomous Community and with the cooperation of the Crime Prevention and Criminal Justice Branch of the Secretariat;

(b) To request the Secretary-General to seek comments from all Member States and from other appropriate sources on the desirability of preparing and adopting United Nations minimum rules in the field covered by the draft minimum rules prepared by the expert commission, and to submit a report to the Commission on Crime Prevention and Criminal Justice at its fourth session;

(c) To request the Commission on Crime Prevention and Criminal Justice, at its fourth session, to follow up this matter.

DRAFT RESOLUTION VII

United Nations standards and norms in crime prevention and criminal justice*

The Economic and Social Council,

Bearing in mind General Assembly resolution 46/152 of 18 December 1991 on the creation of an effective United Nations crime prevention and criminal justice programme,

Recalling General Assembly resolution 48/103 of 20 December 1993 on crime prevention and criminal justice, and General Assembly resolution 48/137 of 20 December 1993 on human rights in the administration of justice,

Recalling also its resolution 1992/22, section VII, of 30 July 1992, in which it decided that the Commission on Crime Prevention and Criminal Justice should include in its agenda a standing item on existing United Nations standards and norms in the field of crime prevention and criminal justice,

Recalling further its resolution 1993/34, section III, of 27 July 1993, in which it requested the Commission to establish, at its third session, an open-ended in-sessional working group,

Acknowledging with appreciation the Vienna Declaration and Programme of Action, 18/ adopted by the World Conference on Human Rights on 25 June 1993, in section II, paragraph 67, of which stated that it was important to give assistance to the strengthening of the rule of law and to the administration of justice,

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* For the discussion, see chap. IV.

17/ E/CN.15/1994/11.

18/ A/CONF.157/24 (Part I), chap. III.

Noting the conclusions and recommendations of the Meeting of Experts for the Evaluation of Implementation of United Nations Norms and Guidelines in Crime Prevention and Criminal Justice, held at Vienna from 14 to 16 October 1991, 19/

1. Reaffirms the important contribution that the use and application of United Nations standards and norms in crime prevention and criminal justice make to criminal justice systems;

2. Stresses the need for further coordination and concerted action in translating into practice United Nations standards and norms in crime prevention and criminal justice;

3. Invites Member States to ensure the widest possible dissemination of United Nations standards and norms in crime prevention and criminal justice;

4. Also invites Member States to strengthen the human and financial resources available to the Crime Prevention and Criminal Justice Branch of the Secretariat by, for example, contributing to the United Nations Crime Prevention and Criminal Justice Fund in order to enable the Branch to better assist States in conducting seminars, workshops, training programmes and other activities for promoting the use and application of standards and norms;

5. Endorses the questionnaires 20/ on the following United Nations standards and norms in crime prevention and criminal justice, submitted to the Commission on Crime Prevention and Criminal Justice at its third session:

(a) The Standard Minimum Rules for the Treatment of Prisoners; 21/

(b) The Code of Conduct for Law Enforcement Officials, 22/ together with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; 23/

(c) The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power; 24/

(d) The Basic Principles on the Independence of the Judiciary; 25/

6. Invites Member States to reply to those questionnaires;

19/ E/CN.15/1992/4/Add.4.

20/ E/CN.15/1994/CRP.5-8.

21/ United Nations publication, Sales No. 1956.IV.4, annex I.A.

22/ General Assembly resolution 34/169, annex.

23/ United Nations publication, Sales No. E.91.IV.2, chap. I, sect. B.2, annex.

24/ General Assembly resolution 40/34, annex.

25/ United Nations publication, Sales No. E.86.IV.1, chap. I, sect. D.2, annex.

7. Also invites Member States, in replying to the questionnaires to provide their views and comments for an evaluation of the questionnaires;

8. Expresses its appreciation of the most valuable support of the Governments of China, France, the Russian Federation, Spain and United Kingdom of Great Britain and Northern Ireland in the publication of the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice, currently available in English only, 26/ in the other official languages of the United Nations;

9. Requests the Commission on Crime Prevention and Criminal Justice to continue to give special attention to the use and application of United Nations standards and norms in crime prevention and criminal justice;

10. Requests the Commission to continue its consideration of the question at its fourth session by having the open-ended in-sessional working group discuss, inter alia, the role of the United Nations in promoting the use and application of standards and norms in crime prevention and criminal justice;

11. Emphasizes the importance of cooperation in the area of crime prevention and criminal justice with the interregional and regional institutes for the prevention of crime and the treatment of offenders and with intergovernmental organizations in that field;

12. Reaffirms the important role of non-governmental organizations in contributing to the effective use and application of United Nations standards and norms in crime prevention and criminal justice;

13. Invites the Coordinator of the International Year of the Family to report to the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on activities related to crime prevention and criminal justice undertaken in observance of the Year;

14. Requests the Secretary-General to promote the use and application of United Nations standards and norms in crime prevention and criminal justice as an important contribution to effective criminal justice systems:

(a) Through advisory services and the technical cooperation programme, including training programmes and fellowships, with a view to strengthening further joint activities, including those with other United Nations entities, institutes and non-governmental organizations;

(b) By providing assistance to Member States, especially those in transition, in reforming their law enforcement, judicial and penal systems;

(c) By continuing cooperative training courses in order to assist Member States, at their request, with the use and application of United Nations standards and norms in crime prevention and criminal justice, especially by organizing seminars for the training of trainers;

(d) By continuing the development of manuals and other forms of guidance for law enforcement officials and criminal justice personnel on the use and application of United Nations standards and norms in crime prevention and criminal justice;

26/ United Nations publication, Sales No. E.92.IV.1.

(e) By continuing to coordinate the activities of the Crime Prevention and Criminal Justice Branch and the Centre for Human Rights of the Secretariat and other relevant United Nations entities related to the use and application of standards and norms so as to heighten their efficacy and avoid overlapping in the implementation of their programmes;

(f) By ensuring the participation of members of the Crime Prevention and Criminal Justice Branch in the discussion of the relevant issues at the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities;

15. Also requests the Secretary-General to submit to the Commission on Crime Prevention and Criminal Justice at its fifth session, in 1996, a report on the replies to the questionnaires on the use and application of the United Nations standards and norms listed in paragraph 5 above;

16. Further requests the Secretary-General:

(a) To ensure the widest possible dissemination, within existing resources, of the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice;

(b) To publish Strategies for Confronting Domestic Violence: A Resource Manual, 27/ which is currently available in English only, in the other five official languages of the United Nations, subject to the availability of budgetary or extrabudgetary funds.

DRAFT RESOLUTION VIII

Preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders*

The Economic and Social Council,

Recalling General Assembly resolution 46/152 of 18 December 1991 on the creation of an effective United Nations crime prevention and criminal justice programme,

Recalling also its resolutions 1992/24 of 30 July 1992 and 1993/32 of 27 July 1993 on preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Acknowledging the new role of the United Nations congresses on the prevention of crime and the treatment of offenders as a consultative body of the programme, as stipulated in paragraph 29 of the statement of principles and programme of action of the United Nations crime prevention and criminal justice programme, annexed to General Assembly resolution 46/152,

Emphasizing that fulfilment of that role requires that the debate and conclusions of the congresses be specifically focused, which can be achieved only through proper and timely preparations on the part of Member States, the Secretariat and other participants, for example through implementation, from the

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* For the discussion, see chap. V.

27/ ST/CSDHA/20.

outset, of the new rules of procedure for the congresses, thus allowing Member States sufficient time in advance of the Congress to review draft resolutions in all six official languages of the United Nations,

Recalling that, in its resolution 1993/32, it endorsed the programme of work for the Ninth Congress, including the holding of six demonstration and research workshops, and invited Member States, non-governmental organizations and other relevant entities to support financially, organizationally and technically the preparations for the workshops,

Recognizing the important contribution made to the preparations for the Ninth Congress by the five regional preparatory meetings for the Ninth Congress, as reflected in the reports of those meetings, 28/

Taking note of the initial offer of the Islamic Republic of Iran to act as host for the Ninth Congress, which was later withdrawn in favour of an African country,

Welcoming the agreement reached between the Governments of Egypt and Tunisia with respect to the venue of the Congress,

I

ORGANIZATIONAL MATTERS

1. Accepts with gratitude the generous invitation of the Government of Tunisia to act as host for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held from 24 April to 5 May 1995, with pre-Congress consultations on 22 and 23 April 1995;

2. Reaffirms the organizational arrangements stipulated in its resolutions 1992/24 and 1993/32;

3. Invites Member States to actively participate in the Ninth Congress, with a view to fully reflecting regional concerns, to start preparations for the finalization of national reports, and to include in their delegations senior officials, legislators, practitioners, policy makers and experts from the various sectors of the criminal justice system, including persons with expertise and experience in the subject areas of the workshops, including development aid;

4. Takes note with appreciation of the reports of the five regional preparatory meetings for the Ninth Congress, 28/ and invites Member States and other entities involved, in their preparations for and their discussions at the Ninth Congress, to take into appropriate account the conclusions and recommendations contained in those reports;

5. Requests the Secretary-General to intensify public information activities on the Ninth Congress and the workshops;

6. Also requests the Secretary-General to facilitate the broader participation of developing countries, inter alia, by providing the necessary resources for the travel and per diem of delegations from the least developed countries in accordance with Economic and Social Council resolution 1993/32, within the limits of available resources, and by exploring the possibility of

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28/ A/CONF.169/RPM.1/Rev.1 and Corr.1, 2, 3 and Corr.1, 4 and 5.

obtaining contributions for this purpose from all sources available, including governmental, intergovernmental and the relevant non-governmental donors;

7. Further requests the Secretary-General to continue cooperating with the relevant intergovernmental, non-governmental and professional organizations in the proper planning and conduct of ancillary meetings on relevant issues;

8. Further requests the Secretary-General to appoint a Secretary-General of the Ninth Congress and an Executive Secretary of the Ninth Congress, in accordance with past practice, to perform their functions under the rules of procedure of the congresses;

9. Approves the documentation for the Ninth Congress, as proposed by the Secretary-General in his report on progress made in the preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 29/ taking into account relevant recommendations made by the Council in the present resolution;

10. Requests the organizers of the workshops to seek to ensure that there is sufficient time for thorough and fruitful discussion, by fostering the exchange of information and experiences on closely specified issues of direct concern to policy makers and practitioners, for example in the form of panel discussions of case-studies, in order to identify the priorities for action, to examine possible model projects, to assess the factors behind the success or failure of such projects, to examine ways in which successful projects could be replicated and modified for implementation within the framework of other criminal justice systems, and to examine methods of ensuring proper follow-up to the workshops, including the organization of regional and interregional training courses on the workshop topics;

11. Requests the Secretary-General to invite Member States to consultations, at no cost to the United Nations, not later than at the beginning of the fourth quarter of 1994, on possible technical cooperation projects to be considered during the workshops, with a view to announcing their commitment to sponsoring such projects after the Ninth Congress, and invites relevant bodies to participate in those consultations;

12. Invites Member States and all entities involved to prepare video programmes, documents and other presentations relevant to the subject areas of the workshops, in consultation with the organizers of the workshops, in order to increase the practical orientation of the discussions and to promote the exchange of experiences and information, and to consider, inter alia, holding various national competitions, to the extent that resources and other circumstances permit, as follows:

(a) An urban planning and architectural design competition, aimed at preventing crime and increasing safety;

(b) A competition on crime prevention programmes planned and implemented by youth;

(c) A mass media competition on crime prevention material, including films, advertisements, pamphlets and television and radio programmes, the winners or outstanding projects to be presented at the Ninth Congress at the appropriate workshops or at the national kiosks;

29/ E/CN.15/1994/8, paras. 17 and 18.

13. Calls upon Member States, government development agencies and all other entities involved to assist other States, upon request, in preparing their contributions to the workshops by cooperating in the preparation of needs-assessment statements on proposed technical assistance projects, and encourages regional and subregional initiatives for preparing contributions to the workshops, in order to present common problems and their solutions in a given geographical area, for example in cities of the same region or continent;

14. Invites Member States and all entities involved to consult together in order to designate a main counterpart for each workshop in order to coordinate the different contributions and to facilitate practical organization;

15. Invites Member States, intergovernmental and non-governmental organizations and all other entities involved to announce their contribution to the workshops not later than three months before the convening of the Ninth Congress, in order to properly set up each workshop both substantively and organizationally;

16. Recommends that, notwithstanding the focus of the workshops on model projects and the development of technical cooperation, a brief oral report on the discussion of each workshop be made before the committee of the whole to which that particular topic has been assigned;

17. Recommends that an introductory session on technical cooperation projects be held at the Ninth Congress prior to the convening of the workshops;

18. Requests the Secretary-General to prepare for the forty-ninth session of the General Assembly a statement of the financial implications of the preparations for and holding of the workshops at the Ninth Congress.

II

TOPIC 1. INTERNATIONAL COOPERATION AND PRACTICAL TECHNICAL ASSISTANCE FOR STRENGTHENING THE RULE OF LAW: PROMOTING THE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME

1. Invites the Ninth Congress to consider further ways of developing, promoting and refining forms of technical cooperation, the development of strategic alliances in the provision of advisory services and training and research programmes, the promotion of contributions in kind and the development of working manuals, by serving as a forum in which the need for technical assistance, especially in developing countries and in countries in transition, and the capacity of the donor community may meet, and by considering ways in which the United Nations Criminal Justice Information Network could be used in order to assist Member States in coordinating their bilateral and multilateral cooperation projects;

2. Also invites the Ninth Congress to play an active role in the identification and the development of effective common strategies for crime prevention and criminal justice;

3. Further invites the Ninth Congress to consider practical methods for promoting, where necessary, the exchange of experiences and information on international cooperation, including the establishment and development of depositories of information on national legislation, statistics and other data, examining the conditions that would facilitate the establishment of a mechanism

to ensure coherence in international assistance efforts, both bilaterally and multilaterally;

4. Recommends that the workshop entitled "Extradition and international cooperation: exchange of national experiences and implementation of extradition principles in national legislation" should consider specific problems in the practical implementation of extradition treaties and related forms of international cooperation, and methods of overcoming those problems, with due regard to the necessity for observing democratic structures and control, such as the expansion and updating of the network of bilateral and multilateral instruments, the opening of regional conventions to States from outside the region, and the organization of training courses and international internships for the officials involved;

5. Also recommends that the workshop consider how, in practical terms, extradition and other international cooperation should function, general impediments to extradition, and how to balance extradition obligations against reasonable grounds for denial, including the removal of the political offence exception in the context of extradition and mutual assistance, and review existing bilateral and multilateral treaties involving extradition, including the Model Treaty on Extradition, 30/ if necessary, in the light of recent developments.

III

TOPIC 2. ACTION AGAINST NATIONAL AND TRANSNATIONAL ECONOMIC AND ORGANIZED CRIME AND THE ROLE OF CRIMINAL LAW IN THE PROTECTION OF THE ENVIRONMENT: NATIONAL EXPERIENCES AND INTERNATIONAL COOPERATION

1. Invites the Ninth Congress to seek to identify and address new forms of national and transnational economic and organized crime, including forms arising as a result of the use of new technology, particularly as related to economic crime, including computer-related crime, and including also the organization of illicit migration and international traffic in minors and the possible emergence in time of organized illicit traffic in human body parts;

2. Also invites the Ninth Congress to further develop measures for the prevention and control of the above-mentioned forms of crime, including the following:

(a) Consideration of the conclusions of the International Conference on Laundering and Controlling Proceeds of Crime: A Global Approach, held at Courmayeur, Italy, from 17 to 21 June 1994;

(b) Consideration of the conclusions of the World Ministerial Conference on Organized Transnational Crime, to be held at Naples, Italy, from 24 to 26 October 1994;

(c) Consideration of the report and conclusions of the Ad Hoc Expert Group on More Effective Forms of International Cooperation against Transnational Crime, including Environmental Crime, held at Vienna from 7 to

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30/ General Assembly resolution 45/116, annex.

10 December 1993, 31/ and of the International Meeting of Experts on the Use of Criminal Sanctions in the Protection of the Environment, Internationally, Domestically and Regionally, held at Portland, Oregon, United States of America, from 19 to 23 March 1994;

(d) The strengthening and possible creation of special departments within police agencies, where necessary, to deal with organized crime and the establishment of relationships between special departments through an international communications network, including the use of liaison officers and contact officers;

(e) The establishment of mechanisms for the creation and further development, as necessary, of a standard framework for the international exchange of key information on organized crime, as well as the promotion of quick and flexible reactions to organized crime through concerted bilateral and multilateral police countermeasures based on international arrangements;

3. Further invites the Ninth Congress to consider in this connection crimes of terrorism, which constitute one of the most dangerous forms of crime, as well as their interrelationship with organized crime, and ways of enhancing regional and international cooperation in preventing and combating these crimes effectively;

4. Recommends, bearing in mind treaties in force, that the workshop entitled "Environmental protection at the national and international levels, potential and limits of criminal justice" consider the range of internationally recognized environmental offences, jurisdictional questions where environmental offences have transboundary effects, the development of a manual for practitioners, improved methods for exchanging evidence, and standardization of the methods of sampling and examination;

5. Also invites the Ninth Congress to consider the preparation and enforcement of law in respect of criminal conduct relating to chemical precursors and other chemical substances used for the illicit production of drugs;

6. Also recommends, bearing in mind treaties in force, that the workshop on environmental protection at the national and international levels consider the growing phenomenon of illicit waste dumping and the international illicit traffic in plant and animal species and in hazardous radioactive materials; the improvement of options for prosecuting transboundary criminal offences against the environment; and a mechanism and forum for developing further appropriate instruments and methods for the protection of the environment through criminal law, in coordination with other intergovernmental organizations.

31/ E/CN.15/1994/4/Add.2, annex.

IV

TOPIC 3. CRIMINAL JUSTICE AND POLICE SYSTEMS: MANAGEMENT AND IMPROVEMENT OF POLICE AND OTHER LAW ENFORCEMENT AGENCIES, PROSECUTION, COURTS AND CORRECTIONS; AND THE ROLE OF LAWYERS

1. Invites the Ninth Congress to consider the potential of traditional and non-traditional mechanisms of justice and social control, such as processes of mediation, social reconciliation, restitution, compensation and non-custodial measures, in inspiring new strategies for preventing and controlling crime, reducing prison overcrowding and strengthening support for the criminal justice system;

2. Also invites the Ninth Congress to consider recent developments in the functioning of criminal justice and police systems, in particular the mobilization of law enforcement arrangements and new cooperative law enforcement arrangements, and to explore ways of improving the relationship between the police and the public, for example by ensuring an equal balance between the various sectors of the population in police forces and by developing community policing;

3. Further invites the Ninth Congress to consider such recent trends in criminal justice as the privatization of certain police and correctional functions, the excessive use of pre-trial custody, prison overcrowding, and the development of alternatives to incarceration;

4. Further invites the Ninth Congress to consider promotion of the international transfer of prisoners to their countries of origin and ways to speed up the corresponding procedures, with the consent of the offenders, in order to enable them to serve their sentences in circumstances that would promote their reintegration into their own societies;

5. Recommends that the workshop entitled "International cooperation and assistance in the management of the criminal justice system: computerization of criminal justice operations and the development, analysis and policy use of criminal justice information" and the ancillary symposium on computerization evaluate progress in computerization and the policy and management use of information achieved since the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, seeking to identify information systems that have proved their effectiveness; discuss the process of needs assessment; consider the conditions of successful computerization; and discuss a mechanism for identifying needs for the creation of statistical infrastructures where these are essential to improving national statistical reporting systems;

6. Also recommends that the workshop consider such issues as the compatibility of criminal statistics, support systems, computers as an investigative tool, and cost-effective ways of promoting the availability of data, assessment analysis capabilities and the exchange of information; and consider controls and legal measures to safeguard respect for privacy and to prevent data from being used for purposes incompatible with the International Covenant on Civil and Political Rights, 32/ bearing in mind data protection principles relating to personal privacy.

32/ General Assembly resolution 2200 A (XXI), annex.

V

TOPIC 4. CRIME PREVENTION STRATEGIES, IN PARTICULAR AS RELATED TO CRIME IN URBAN AREAS AND JUVENILE AND VIOLENT CRIMINALITY, INCLUDING THE QUESTION OF VICTIMS: ASSESSMENT AND NEW PERSPECTIVES

1. Invites the Ninth Congress to examine ways of promoting cooperation in crime prevention between criminal justice agencies, on the one hand, and, inter alia, other agencies, businesses, associations and the public, on the other hand, in order to develop successful crime prevention activities at the local, national and international levels, for example through the work of crime prevention councils;

2. Requests the Ninth Congress to consider violence against women and violence against children as separate questions under topic 4 and in the context of the workshop on the prevention of violent crime, and to propose recommendations on those questions to the Commission in respect of legislation, procedures, policies, practices, and technical cooperation and assistance, as well as of social services, education and the dissemination of information;

3. Further invites the Ninth Congress to take into account the proposed guidelines for cooperation and technical assistance in the field of urban crime prevention annexed to [draft resolution IX];

4. Recommends that the workshop on the mass media and crime prevention focus on seeking to enlist the support of the media in crime prevention initiatives and on identifying model projects;

5. Invites the workshop on the mass media and crime prevention to seek methods of sensitizing representatives of the mass media to the criminogenic effects of graphic portrayals of violence and sensationalism in the media, particularly on the young, and to consider the possible effects of sensational news coverage on the fairness of criminal trials, with due regard to the need to maintain the freedom of the press;

6. Recommends that the workshop on urban policy and crime prevention seek to identify priorities for crime prevention in urban areas and seek methods of sensitizing the authorities responsible for the different aspects of urban policy, including education, employment, alcohol and drug abuse policy, social services and urban zoning, to the importance of taking crime prevention aspects into consideration;

7. Recommends that the workshop on the prevention of violent crime identify and assess factors that are conducive to violent crime, including the ready availability of firearms; consider xenophobic violence and violence against vulnerable groups and violence in connection with armed conflicts; and identify methods of developing appropriate measures, including mediation and conflict resolution.

VI

PLENARY DISCUSSION ON CORRUPTION

1. Recommends that the Ninth Congress, during the plenary discussion on corruption, consider effective ways of coordinating, at the international level, all efforts to tackle corruption and any other form of malfeasance by public officials, particularly the illegal appropriation of public resources, the embezzlement of funds and the bribery of public officials, especially by organized criminal groups, taking into account successful experiences with detection, prevention and control in this respect;

2. Welcomes in this connection the generous offer of the Government of Spain to sponsor an international meeting of experts on corruption;

3. Recommends that the Ninth Congress, during the plenary discussion on corruption, consider the desirability of a code of conduct for public officials 33/ and that the Secretary-General seek comments from Member States and relevant entities, in order to assist the Commission in its consideration of the matter at its fourth session.

DRAFT RESOLUTION IX

Proposed guidelines for the prevention of urban crime*

The Economic and Social Council,

Recalling its resolutions 1979/20 of 9 May 1979, 1984/48 of 25 May 1984, 1990/24 of 24 May 1990 and 1993/27 of 27 July 1993, and General Assembly resolutions 45/121 of 14 December 1990 and 46/152 of 18 December 1991,

Recalling also its resolutions 1992/22 of 30 July 1992 and 1993/34 of 27 July 1993,

Recalling further the Milan Plan of Action, 34/ the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), 35/ the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), 36/ the United Nations Standard Minimum

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* For the discussion, see chap. V.

33/ A draft code of conduct for public officials was contained in the discussion guide on demonstration and research workshops to be held at the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.169/PM.1/Add.1, annex II).

34/ Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. A.

35/ General Assembly resolution 40/33, annex.

36/ General Assembly resolution 45/112, annex.

Rules for Non-custodial Measures (The Tokyo Rules), 37/ the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 38/ and the resolution on the prevention of urban crime adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 39/

Aware of the universal character of urban crime,

Recognizing the usefulness of establishing guidelines to facilitate action on preventing urban crime,

Anxious to respond to the call by many States for technical cooperation programmes adapted to local conditions and needs,

1. Welcomes the proposed guidelines for cooperation and technical assistance in the field of urban crime prevention, contained in the annex to the present resolution, which were considered by the Commission on Crime Prevention and Criminal Justice at its third session and which are aimed at making urban crime prevention more effective;

2. Decides to transmit the proposed guidelines to the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders for consideration under item 6 of its provisional agenda;

3. Requests the Commission on Crime Prevention and Criminal Justice to finalize the proposed guidelines at its fourth session, in the light of the comments made by the Ninth Congress for subsequent publication in the most appropriate form, for example in the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice;

4. Encourages Member States to report to the Secretary-General on their experiences in elaborating and evaluating urban crime prevention projects, taking into account the proposed guidelines;

5. Calls upon the interregional, regional and associate institutes cooperating with the United Nations in the field of crime prevention and criminal justice and non-governmental organizations to report on their experiences in the field of urban crime prevention and to express their observations;

6. Requests the Commission on Crime Prevention and Criminal Justice to consider practical ways of ensuring follow-up on the use and application of the proposed guidelines;

7. Calls upon the United Nations Development Programme, other relevant United Nations organizations and bodies, and international financial institutions to give appropriate consideration to the inclusion in their assistance programmes of urban crime prevention projects.

37/ General Assembly resolution 45/110, annex.

38/ General Assembly resolution 40/34, annex.

39/ Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C.

Annex

PROPOSED GUIDELINES FOR COOPERATION AND TECHNICAL ASSISTANCE IN THE FIELD OF URBAN CRIME PREVENTION

A. Design and implementation of cooperation and assistance activities

1. Cooperation projects for urban crime prevention should take account of the principles set out below.

1. Local approach to problems

2. Urban crime is characterized by a multiplicity of factors and forms. A multi-agency approach and a coordinated response at the local level, in accordance with an integrated crime prevention action plan, will often be helpful. This should involve:

(a) A local diagnostic survey of crime phenomena, their characteristics, factors leading to them, the form they take and their extent;

(b) The identification of all the relevant actors that could take part in compiling the above-mentioned diagnostic survey in crime prevention as well as in the fight against crime, for example public institutions (national or local), local elected officials, the private sector (associations, enterprises), the voluntary sector, community representatives etc.;

(c) The setting up, wherever appropriate, of consultation mechanisms promoting closer liaison, the exchange of information, joint work and the design of a coherent strategy;

(d) The elaboration of possible solutions to these problems in the local context.

2. Integrated crime prevention action plan

3. The authors of an integrated crime prevention action plan, in order for it to be comprehensive and efficient, should:

(a) Define:

(i) The nature and types of crime problems to be tackled, such as theft, robbery, burglary, racial attacks, drug-related crimes, juvenile delinquency and illegal possession of firearms, taking into account all the factors that may directly or indirectly cause such problems or contribute to them;

(ii) The objectives being pursued and the time by which they should be attained;

(iii) The action envisaged and the respective responsibilities of those involved vis-à-vis the implementation of the plan (for example, whether local or national resources are to be mobilized);

(b) Consider involving a range of actors representing in particular:

(i) Social workers, education, housing and health workers, in addition to the police, the courts, public prosecutors and probation services etc.;

(ii) The community: elected officials, associations, volunteers, parents, victims' organizations etc.;

(iii) The economic sector: enterprises, banks, business, public transport etc.;

(iv) The media;

(c) Consider the relevance to the crime prevention action plan of such factors as:

(i) Relationships in the family, between generations or between social groups etc.;

(ii) Education, religious, moral and civic values, culture etc.;

(iii) Employment, training, measures for combating unemployment and poverty;

(iv) Housing and urbanism;

(v) Health, drug and alcohol abuse;

(vi) Government and community welfare aid for the least fortunate members of society;

(vii) Combating the culture of violence and intolerance;

(d) Consider providing for action at various levels:

(i) Primary prevention:

a. By promoting situational criminal prevention measures, such as target hardening and opportunity reduction;

b. By promoting welfare and health development and progress and by combating all forms of social deprivation;

c. By promoting communal values and respect for fundamental human rights;

d. By promoting civic responsibility and social mediation procedures;

e. By facilitating the adaptation of the working methods of the police and the courts;

(ii) Prevention of recidivism:

a. By facilitating the adaptation of the methods of police intervention (rapid response, within the local community etc.);

b. By facilitating the adaptation of methods of judicial intervention and implementation of alternative remedies:

(i) Diversification of methods of treatment and of measures taken according to the nature and seriousness of the cases (for example, diversionary schemes, mediation, a special system for minors etc.);

(ii) Systematic research on the reintegration of offenders involved in urban crime through the implementation of non-custodial measures;

(iii) Socio-educational support within the framework of the sentence, in prison and as preparation for release from prison;

c. By giving an active role to the community in the rehabilitation of offenders;

(iii) After the sentence has been served: aid and socio-educational support, family support etc.;

(iv) Protection of victims by practical improvements in their treatment by means of the following:

a. Raising awareness of rights and how to exercise them effectively;

b. Reinforcing rights (in particular the right to compensation);

c. Introducing systems of victim assistance.

B. Implementation of the action plan

1. Central authorities

4. The central authorities, to the extent consistent with their competence, should:

(a) Provide active support, assistance and encouragement to local actors;

(b) Coordinate national policy and strategies with local strategies and needs;

(c) Organize consultation and cooperation mechanisms between the various administrations concerned at the central level.

2. Authorities at all levels

5. Competent authorities at all levels should:

(a) Be constantly mindful of respect for the fundamental principles of human rights in promoting these activities;

(b) Encourage and/or implement appropriate training and information to support all professionals involved in crime prevention;

(c) Compare experiences and organize exchanges of know-how;

(d) Provide a means of evaluating regularly the effectiveness of the strategy implemented and provide for the possibility of revising it.

DRAFT RESOLUTION X

African Institute for the Prevention of Crime and the Treatment of Offenders*

The Economic and Social Council,

Recalling General Assembly resolution 46/152 of 18 December 1991, in the annex to which it is stated that the contributions of the regional institutes for the prevention of crime and the treatment of offenders to policy development and implementation and their resource requirements, especially those of the African Institute for the Prevention of Crime and the Treatment of Offenders, should be fully integrated into the United Nations crime prevention and criminal justice programme,

Recalling also General Assembly resolution 48/101 of 20 December 1993 and Economic and Social Council resolution 1993/33 of 27 July 1993,

Noting that the African Institute for the Prevention of Crime and the Treatment of Offenders is playing a vital role in promoting United Nations crime prevention and criminal justice activities and in fostering regional cooperation and coordination in this field,

Bearing in mind the Declaration on the African Institute for the Prevention of Crime and the Treatment of Offenders, 40/ adopted by the African Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Kampala from 14 to 18 February 1994,

Aware of the financial difficulties that the Institute continues to face as a result of the fact that many States of the African region are among the least developed countries, that they continue to experience drought, famine and civil strife, and that they lack the resources necessary to support the Institute,

Taking into account the fact that many African States are engaged in democratization, strengthening the rule of law, undertaking crime prevention and criminal justice reforms, and laying the foundation for respect for and observance of human rights and fundamental freedoms,

1. Commends the African Institute for the Prevention of Crime and the Treatment of Offenders for the activities it has undertaken, despite its difficulties in fulfilling its mandate, as reflected in the progress report of the Secretary-General on the activities of the United Nations Interregional Crime and Justice Research Institute and other institutes; 41/

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* For the discussion, see chap. VI.

40/ A/CONF.169/RPM.2.

41/ E/CN.15/1994/10 and Corr.1, paras. 71-84.

2. Expresses its appreciation to the Government of Uganda for generously providing host facilities to the Institute and for its continuous support;

3. Expresses its appreciation to the Secretary-General and to all other Governments and intergovernmental and non-governmental organizations that have extended support to the Institute;

4. Requests the Secretary-General to ensure that the Institute is provided with adequate funds, within the overall appropriation of the programme budget and from extrabudgetary resources and to submit proposals for any necessary additional funding of the Institute, in accordance with paragraph 56 of General Assembly resolution 48/228 of 23 December 1993;

5. Encourages Governments and intergovernmental and non-governmental organizations to provide financial and technical support to the Institute to enable it to fulfil its objectives, particularly those concerning training, technical assistance, policy guidance, research and data collection;

6. Requests the Administrator of the United Nations Development Programme to continue providing appropriate funds for the institutional strengthening of the Institute and the implementation of its programme of work, taking into account the difficult economic and financial situation faced by many countries in the African region;

7. Urges the Governing Board of the Institute to fill the vacant post of Director as soon as possible;

8. Strongly recommends that the Statute of the Institute be revised in order to update the terms of reference of the Institute, with a view to enabling it to respond sufficiently and effectively to the needs of the African region;

9. Requests the Secretary-General to ensure proper follow-up with all concerned on the implementation of the present resolution, and to report thereon to the General Assembly at its forty-ninth session and to the Commission on Crime Prevention and Criminal Justice at its fourth session;

10. Requests the Commission on Crime Prevention and Criminal Justice to keep the functioning and programme of work of the Institute under active review, aiming at integrating it fully into the overall crime prevention and criminal justice programme, as called for in paragraph 35 of the annex to General Assembly resolution 46/152.

DRAFT RESOLUTION XI

Technical cooperation*

The Economic and Social Council,

Recognizing that criminality is a major concern of all countries and that it calls for a concerted response from the international community aimed at preventing crime and improving the functioning of criminal justice and law

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* For the discussion, see chap. VI.

enforcement with due respect for human rights and United Nations standards and norms,

Bearing in mind General Assembly resolution 46/152 of 18 December 1991 on the creation of an effective United Nations crime prevention and criminal justice programme,

Also bearing in mind General Assembly resolution 48/103 of 20 December 1993, in which the Assembly requested the Secretary-General to provide from existing resources adequate funds to build and maintain the institutional capacity of the United Nations crime prevention and criminal justice programme to respond to requests from Member States for assistance in the field of crime prevention and criminal justice, if necessary through the reallocation of resources,

Recalling that in its resolution 1992/22, section VI, of 30 July 1992, the Council determined that the majority of programme resources should be concentrated on the provision of training, advisory services and technical cooperation in a limited number of areas of recognized need,

Also recalling that in its resolution 1993/34, section II, of 27 July 1993, the Council requested the Secretary-General to strengthen the institutional capacity of the United Nations crime prevention and criminal justice programme by providing the Secretariat with adequate human and financial resources, if necessary by reallocating existing resources, as well as by means of voluntary contributions, to enable it to elaborate, execute and evaluate operational activities and advisory services at the request of Member States,

Convinced that appropriate crime prevention policies are essential to ensuring sustainable development, as crime also affects economic, social and environmental efforts,

Also convinced that developing the skills of crime prevention and criminal justice practitioners is necessary to promote the rule of law and respect for human rights,

Conscious of the relationship between urban and juvenile crime and more sophisticated forms of transnational crime, and the consequent need to fight simultaneously against both phenomena by, among other things, providing technical assistance to countries in need,

Convinced that legal reforms in developing countries and in countries in transition constitute a significant aspect of the process of nation-building in terms of strengthening the rule of law, securing judicial independence and incorporating public involvement in the legal process,

Stressing the fact that providing technical assistance through advisory services, training programmes and the dissemination and exchange of information is one of the most effective means of intensifying international cooperation,

1. Takes note with appreciation of the report of the Secretary-General on technical cooperation and advisory services of the United Nations crime prevention and criminal justice programme, including appropriate mechanisms for the mobilization of resources; 42/

42/ E/CN.15/1994/6.

2. Expresses its appreciation to Member States contributing to the United Nations crime prevention and criminal justice programme, through extrabudgetary funding, the provision of associate experts, manuals and training material, and the services of experts for training purposes and advisory missions, and requests those Member States to continue their support;

3. Welcomes the cooperation between the Secretariat and other United Nations entities, as well as non-governmental organizations, in the planning and implementation of training activities, also as a way of promoting United Nations standards and norms in the field of crime prevention and criminal justice and of increasing the impact of the United Nations crime prevention and criminal justice programme, and calls for the continuation of their support;

4. Reaffirms the urgent need to develop and maintain the institutional capacity of the United Nations crime prevention and criminal justice programme for the planning and implementation of operational activities including training in the field of crime prevention and criminal justice, particularly in line with the priority themes determined by the Economic and Social Council in its resolution 1992/22, section VI, so as to meet the needs of Member States;

5. Endorses the declaration of support for the multilateralization of the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, adopted by the Latin American and Caribbean Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at San José, Costa Rica, from 7 to 11 March 1994; 43/

6. Reiterates its request to the Secretary-General to provide, within the overall appropriations of the programme budget, human and financial resources for the United Nations crime prevention and criminal justice programme in order to develop the institutional capacity of the programme, in accordance with General Assembly resolution 48/103 on crime prevention and criminal justice, and Council resolution 1993/34 on the implementation of General Assembly resolutions 46/152 and 47/91 and Economic and Social Council resolution 1992/22, concerning crime prevention and criminal justice;

7. Welcomes with appreciation the provision of funds from the regular budget for a second Interregional Adviser post to be assigned to the United Nations crime prevention and criminal justice programme, and strongly recommends that that post be retained in the future;

8. Requests the Secretary-General to provide appropriate resources for the United Nations crime prevention and criminal justice programme in order to ensure adequate support for interregional advisory services;

9. Calls upon those States that have benefited from interregional advisory services to ensure appropriate follow-up to the recommendations of the interregional advisers;

10. Requests the Secretary-General to take action on requests from Member States, bearing in mind the recommendations of the interregional advisers, by formulating specific projects, and to seek funding from donor Governments and institutions for project execution;

43/ See A/CONF.169/RPM.4.

11. Calls upon Member States to provide a basic level of extrabudgetary funds for the United Nations crime prevention and criminal justice programme by contributing to the United Nations Crime Prevention and Criminal Justice Fund;

12. Invites Member States to contribute both financially and in kind to the cooperation projects elaborated within the United Nations crime prevention and criminal justice programme and submitted to Member States for appropriate action;

13. Urges Member States to make all efforts to coordinate their multilateral and bilateral technical cooperation projects with the United Nations crime prevention and criminal justice programme to ensure that all assistance provided is used in a cost-effective manner and oriented towards the overall aims of the projects;

14. Requests the Secretary-General to provide the United Nations crime prevention and criminal justice programme with adequate human and financial resources within the overall appropriations of the programme budget to support technical assistance activities in specific fields considered to be of high priority, such as control of the proceeds of crime, pursuant to Council resolution 1993/30 of 27 July 1993, urban crime prevention, pursuant to Council resolution 1993/27 of 27 July 1993, and environmental crime, pursuant to Council resolution 1993/28 of 27 July 1993;

15. Also requests the Secretary-General to establish a database on technical assistance, integrating needs of Member States, particularly developing countries, as well as on existing collaborative arrangements and funding, taking into account regional concerns, and urges Member States to give full support to this endeavour by providing information, expertise and experiences in the technical assistance field;

16. Welcomes the orientation of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders towards a practical forum for the exchange of experiences and information, particularly through the organization of six workshops that should facilitate contact between representatives of States in need of technical assistance and potential donors;

17. Welcomes with appreciation the contribution of the United Nations crime prevention and criminal justice programme to United Nations peace-keeping and special missions, as well as its contribution to the follow-up to those missions, particularly with respect to strengthening the rule of law and institution-building in the field of crime prevention and criminal justice;

18. Invites Member States to include projects in the field of crime prevention and criminal justice as part of their priority areas for development, and urges the United Nations Development Programme and other funding agencies to provide financial support for the execution of relevant projects as a contribution to sustainable development;

19. Affirms the need to ensure coordination between action under the aegis of the United Nations and other action, either bilateral or multilateral, in order to guarantee the efficiency of cooperation as a whole.

DRAFT RESOLUTION XII

Criteria and procedures for the affiliation with the United Nations of institutes or centres and the establishment of United Nations subregional institutes in the field of crime prevention and criminal justice*

The Economic and Social Council

1. Takes note with appreciation of the report of the Ninth Joint Programme Coordination Meeting of the United Nations Crime Prevention and Criminal Justice Programme Network, held at Riyadh on 24 and 25 January 1994;

2. Welcomes the endorsement by that Meeting of the criteria and procedures for the affiliation with the United Nations of institutes or centres and the establishment of United Nations subregional institutes in the field of crime prevention and criminal justice, developed by the Secretariat in pursuance of Economic and Social Council resolution 1992/22, section IV, of 30 July 1992;

3. Decides to adopt the criteria and procedures for the affiliation with the United Nations of institutes or centres and the establishment of United Nations subregional institutes in the field of crime prevention and criminal justice annexed to the present resolution.

Annex

CRITERIA AND PROCEDURES FOR THE AFFILIATION WITH THE UNITED NATIONS OF INSTITUTES OR CENTRES AND THE ESTABLISHMENT OF UNITED NATIONS SUBREGIONAL INSTITUTES IN THE FIELD OF CRIME PREVENTION AND CRIMINAL JUSTICE

I. SUBSTANTIVE CAPABILITIES, SERVICES AND CONTRIBUTION

1. There has to be a clear commitment to fostering and promoting United Nations criminal policy, in the light of and in response to mandates in the field of crime prevention and criminal justice. The envisaged contributions of the new institutes or centres must complement the United Nations crime prevention and criminal justice programme and be capable of being integrated into its activities.

2. The mandates and fields of operation of the new institutes or centres must be clearly defined, ensuring alignment with the goals, objectives and policy perspectives of the programme and, at the same time, suiting and responding to regional and/or subregional needs and operating in the context of unique regional or subregional conditions and characteristics.

3. High-calibre technical and professional staff and services must be maintained.

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* For the discussion, see chap. VI.

II. POLITICAL SUPPORT AND VIABILITY

4. Strong political support must be evident from those States that would benefit from the services of the new institutes or centres. Thus, the institutes or centres must demonstrate that they are fulfilling certain needs.

III. FINANCIAL FEASIBILITY

5. A sound financial resource base (including human resources and facilities) must be present to ensure financial feasibility and viability. A given amount of funds must be made available for a specified, sufficient period.

6. The facilities, staff and administration must be financially supported at an appropriate level.

IV. PROGRAMME ACCOUNTABILITY AND COORDINATION

7. A mechanism to ensure programme accountability must be established to allow the Secretariat to influence and review activities. The Secretariat is charged with the task of assisting the Commission in its coordination functions and has its own coordination responsibilities. Programme accountability involves, among other things, prior consultations with the United Nations on programmes of work and evaluation of implementation, full membership of the Secretariat on the board of directors of the institute or centre concerned, regular reporting to the Commission on Crime Prevention and Criminal Justice, and other forms of dissemination of information on the institute or centre (its functions, tasks, activities, expenditure etc.).

V. PERIODIC REVIEW AND EVALUATION

8. A system of objective evaluation and procedures for periodic review, essential to ensuring the effective functioning and quality performance of the institute or centre concerned, must be established.

9. To the same end, a trial period of a minimum of three to a maximum of five years must be established, during which time the performance, viability and future capacity of an institute or centre proposed for affiliation should be subject to review by the United Nations.

B. Draft decisions

2. The Commission on Crime Prevention and Criminal Justice also recommends to the Economic and Social Council the adoption of the following draft decisions:

DRAFT DECISION I

Appointment of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute*

The Economic and Social Council decides to endorse the appointment, by the Commission on Crime Prevention and Criminal Justice at its second session, of Sushil Swarup Varma (India) and Simone Rozes (France) to the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute.

DRAFT DECISION II

Organization of work for the fourth session of the Commission on Crime Prevention and Criminal Justice**

The Economic and Social Council decides that, the Commission on Crime Prevention and Criminal Justice at its fourth session, in addition to plenary meetings, should be provided with full interpretation services for eight meetings for informal consultations on draft proposals and for four meetings of an open-ended working group. The working group would discuss, inter alia, the role of the United Nations in promoting the use and application of standards and norms in crime prevention and criminal justice and, as separate questions, violence against women and violence against children in their crime prevention and criminal justice aspects; this decision is taken on the understanding that no more than two meetings will be held concurrently, in order to ensure maximum participation of delegations.

DRAFT DECISION III

Report of the Commission on Crime Prevention and Criminal Justice on its third session and provisional agenda and documentation for the fourth session of the Commission**

The Economic and Social Council:

(a) Takes note of the report of the Commission on Crime Prevention and Criminal Justice on its third session;

(b) Approves the provisional agenda and documentation for the fourth session of the Commission set out below.

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* For the discussion, see chap. VI.

** For the discussion, see chap. VIII.

PROVISIONAL AGENDA AND DOCUMENTATION FOR THE FOURTH SESSION OF THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

1. Election of officers.

   (Legislative authority: rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council and Commission decision 1/101)

2. Adoption of the agenda and organization of work.

   (Legislative authority: Economic and Social Council resolution 1992/1; rules 5 and 7 of the rules of procedure)

3. Consideration of the recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

   Documentation

   Report of the Ninth Congress on the Prevention of Crime and the Treatment of Offenders, including the results of the demonstration and research workshops held at the Ninth Congress

   (Legislative authority: General Assembly resolution 46/152; draft resolution IX)

4. Review of priority themes.

   Documentation

   Report of the World Ministerial Conference on Organized Transnational Crime

   (Legislative authority: draft resolution I, para. 14)

   Report on criminal justice action to combat the smuggling of illegal migrants

   (Legislative authority: draft resolution III, para. 11)

   Report of the Latin American Institute for the Prevention of Crime and the Treatment of Offenders on the world situation with regard to international traffic in minors

   (Legislative authority: Commission resolution 3/2, para. 4)

   Report of the Secretary-General on the activities of United Nations bodies and institutions with regard to the issue of violence against women and children, containing recommendations of the workshop on the prevention of violent crime held at the Ninth Congress

   (Legislative authority: Commission resolution 3/1, paras. 10, 12 and 13)

5. Technical cooperation and strengthening of the United Nations crime prevention and criminal justice programme.

Documentation

Report of the Secretary-General on technical cooperation and advisory services of the United Nations crime prevention and criminal justice programme

(Legislative authority: draft resolution XI; Commission resolution 3/4, para. 3)

Report of the Secretary-General on strengthening the United Nations crime prevention and criminal justice programme

(Legislative authority: draft resolution V; para. 11)

Statement of the Secretary-General on the financial implications involved in improving the undertaking of clearing-house projects

(Legislative authority: Commission resolution 3/3, para. 10)

6. United Nations standards and norms in the field of crime prevention and criminal justice.

Documentation

Report of the Secretary-General on United Nations standards and norms in the field of crime prevention and criminal justice

(Legislative authority: Economic and Social Council resolution 1992/22, section VII, para. 3; and draft resolution VII)

7. Cooperation and coordination of activities with other United Nations bodies and other entities.

Documentation

Report of the Secretary-General on cooperation and coordination of activities in crime prevention and criminal justice, including activities of the United Nations International Drug Control Programme

(Legislative authority: Commission resolution 3/5, para. 7)

Report on the activities of the United Nations Interregional Crime and Justice Research Institute and other institutes, including the African Institute for the Prevention of Crime and the Treatment of Offenders

(Legislative authority: Economic and Social Council resolution 1992/22, section IV, para. 2; and draft resolution X, paras. 9 and 10)

8. Programme questions.

9. Provisional agenda for the fifth session of the Commission.

10. Adoption of the report of the Commission on its fourth session.

C. Matters brought to the attention of the Council

3. The attention of the Council is also drawn to the following resolutions and decisions adopted by the Commission.

Resolution 3/1. Violence against women and children*

The Commission on Crime Prevention and Criminal Justice,

Welcoming the proclamation by the General Assembly, in its resolution 48/104 of 20 December 1993 of the Declaration on the Elimination of Violence against Women,

Recognizing that the effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the Assembly in its resolution 34/180 of 18 December 1979, will contribute to the elimination of violence against women and that the Declaration on the Elimination of Violence against Women strengthens and complements that process,

Concerned that violence against women is an obstacle to the achievement of equality, development and peace, as recognized in the Nairobi Forward-looking Strategies for the Advancement of Women, 44/ which recommend a set of measures to combat violence against women, and to the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women,

Bearing in mind that the Declaration on the Elimination of Violence against Women sets out various forms of physical, sexual and psychological violence against women and provides that States should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to the elimination of violence against women,

Recalling General Assembly resolution 48/110 of 20 December 1993 on violence against women migrant workers, in which the Assembly urged States to ensure that the rights of women migrant workers were protected,

Recalling also Economic and Social Council resolution 1993/26 of 27 July 1993 on violence against women in all its forms,

Recalling further Commission on Human Rights resolution 1993/46 of 8 March 1993, in which the Commission, inter alia, condemned acts of violence and violations of human rights directed specifically against women, 45/

Recognizing the particular role of the Commission on the Status of Women in promoting equality between women and men,

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* For the discussion, see chap. II.

44/ Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

45/ Official Records of the Economic and Social Council, 1993, Supplement No. 3 and corrigenda (E/1993/23 and Corr.2 and 4), chap. II, sect. A.

Bearing in mind that the protection of human rights is a significant consideration in the criminal justice system as a whole,

Calling attention to the fact that it is important that perpetrators of domestic violence receive appropriate punishment and that appropriate crime prevention measures be instituted,

Recalling that the Vienna Declaration and Programme of Action 46/ affirmed that gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, were incompatible with the dignity and worth of the human person, and must be eliminated,

Recalling also that the Vienna Declaration and Programme of Action stated, inter alia, that effective measures were required against female infanticide, harmful child labour, the sale of children and their organs, child prostitution, child pornography and other forms of sexual abuse, 47/

Recalling further that article 19 of the Convention on the Rights of the Child, adopted by the General Assembly in its resolution 44/25 of 20 November 1989, states that States parties to the Convention should take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, including sexual abuse,

Noting with satisfaction the action taken under the auspices of the Council of Europe, aimed at setting up an effective instrument to secure the exercise by minors of their rights,

Looking forward to the Fourth World Conference on Women: Action for Equality, Development and Peace, to be held at Beijing in 1995,

Alarmed by the marked increase in acts of sexual violence directed notably against women and children, as expressed in the Final Declaration of the International Conference for the Protection of War Victims, held at Geneva from 30 August to 1 September 1993, and reiterating that such acts constitute grave breaches of international humanitarian law,

Further alarmed that armed conflicts severely affect the civilian population, in particular women and children, and that situations which lead to impoverishment of families and the serious deterioration of their living conditions contribute to the occurrence of violence against women and children,

Noting the Workshop on Domestic Violence Issues in Central and Eastern European Countries, held at Budapest on 8 and 9 April 1994, organized jointly by the European Institute for Crime Prevention and Control, affiliated with the United Nations, and the Ministry of Justice of the Government of Hungary,

Recognizing the work being done by non-governmental organizations in eliminating violence against women and children, in drawing attention to the nature, severity and magnitude of violence against women and children and in assisting women and children who are victims of violence,

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46/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III, para. 18.

47/ Ibid., para. 48.

1. Calls for - in accordance with the Declaration on the Elimination of Violence against Women, the Convention on the Rights of the Child, adopted by the General Assembly in resolution 44/25 of 20 November 1989, and the United Nations Guidelines for the Prevention of Juvenile Delinquency, adopted by the General Assembly in resolution 45/112 of 14 December 1990 - the elimination of violence against women and children in the family, in the general community and where perpetrated or condoned by the State, and emphasizes the duty of Governments to refrain from engaging in violence against women and children and to exercise due diligence to prevent, investigate and, in accordance with national legislation, to punish acts of violence against women and children, whether those acts are perpetrated by the State or by private persons, and to provide access to just and effective remedies and specialized assistance to victims;

2. Calls upon all Governments, as well as intergovernmental bodies and non-governmental organizations, to take all possible steps to eliminate violence against women, in accordance with the Declaration on the Elimination of Violence against Women, and to take all possible steps to eliminate violence against children, in accordance with the Convention on the Rights of the Child, and to disseminate information on those instruments and to promote their understanding;

3. Urges Member States that are not already parties to the Convention on the Elimination of All Forms of Discrimination against Women and to the Convention on the Rights of the Child to become parties to those instruments, and urges Member States that are parties to those instruments to withdraw their reservations that may be relevant to the issue of violence against women and children, and that are contrary to the object and purpose of the conventions or that are otherwise incompatible with international treaty law;

4. Urges Governments, in accordance with their constitutional and legislative systems, to take appropriate action to discourage, in their educational systems and in the mass media, the perpetuation of stereotypes of women and children that may contribute to violence against women and children;

5. Expresses its appreciation of the decisions of the Commission on Human Rights to appoint, at its forty-sixth session, a Special Rapporteur to consider matters relating to the sale of children, child prostitution and child pornography 48/ and, at its fiftieth session, a Special Rapporteur on violence against women; 49/

6. Requests all Governments to cooperate with and assist the special rapporteurs in the performance of their tasks and duties and to furnish all relevant information requested;

7. Invites the special rapporteurs to cooperate closely with the Commission on Crime Prevention and Criminal Justice in the discharge of its functions and to attend the fourth session of the Commission;

8. Urges the Secretary-General to publicize the work of the special rapporteurs and to disseminate their findings and conclusions widely, including

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48/ Official Records of the Economic and Social Council, 1990, Supplement No. 2 (E/1990/22), chap. II, sect. A, resolution 1990/68.

49/ Ibid., 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A, resolution 1994/45.

bringing them to the attention of the Commission on Crime Prevention and Criminal Justice to assist it in its work in the area of violence against women and children;

9. Encourages the strengthening of cooperation and coordination between the Commission on Crime Prevention and Criminal Justice, the Commission on Human Rights, the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and other treaty bodies, the United Nations Development Fund for Women, the United Nations Children's Fund, the United Nations Development Programme and other United Nations agencies, including the International Labour Organization;

10. Requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fourth session on the activities of United Nations bodies and institutions with regard to the issue of violence against women and children;

11. Notes with appreciation the offer of the Government of Canada to translate into French the publication entitled Strategies for Confronting Domestic Violence: A Resource Manual, which was prepared in collaboration with the Government of Canada, the Crime Prevention and Criminal Justice Branch of the Secretariat and the European Institute for Crime Prevention and Control, affiliated with the United Nations, and published in English with the help of the European Institute, and requests the Secretary-General to publish it as soon as possible in the other official languages of the United Nations, subject to the availability of regular budgetary or extrabudgetary funds;

12. Requests the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to consider violence against women and violence against children as separate questions under topic 4 and in the context of the workshop on the prevention of violent crime and to propose recommendations to the Commission in respect of legislation, procedures, policies, practices, and technical cooperation and assistance, as well as of social services, education and the dissemination of information;

13. Decides to continue its consideration of the issue at its fourth session by having its in-sessional working group examine, as separate questions, violence against women and violence against children in their crime prevention and criminal justice aspects and, more particularly, specific measures which can be taken in that respect, in the light of the international instruments referred to above and the recommendations of the Ninth Congress;

14. Invites the United Nations interregional, regional and affiliated institutes to undertake activities on issues relating to violence against women and children and to submit a report to the Commission on Crime Prevention and Criminal Justice at its fifth session on practical measures that could be taken in the field of crime prevention and criminal justice to combat violence against women and children.

Resolution 3/2. International traffic in minors*

The Commission on Crime Prevention and Criminal Justice,

Bearing in mind that international traffic in minors is one crime that is a growing preoccupation of the world community,

Convinced of the need to provide for the criminal punishment of this form of criminal activity, which is degrading to the individual, not only because it involves illicit practices or exploitation, but also because it involves treating human beings as merchandise,

Calling upon Member States to consider ways of enacting laws and regulations to combat international traffic in minors and to promote cooperation among States,

Mindful that minors, in particular newborn babies, constitute the age group that is the most vulnerable to such activity,

Aware that such activity is necessarily carried out by criminal organizations that have transnational connections, principally in developing countries,

Noting that the international community is directing its efforts at combating those criminal organizations, coordinating global initiatives, such as the convening of the World Ministerial Conference on Organized Transnational Crime, to be held at Naples, Italy, from 24 to 26 October 1994,

Bearing in mind the provisions of the Convention on the Rights of the Child, adopted by the General Assembly in its resolution 44/25 of 20 November 1989, particularly article 11 thereof, in which it is stated that States parties to the Convention should take measures to combat the illicit transfer and non-return of children abroad and, to that end, should promote the conclusion of multilateral or bilateral agreements,

Recalling that the General Assembly, in its resolution 44/82 of 8 December 1989, proclaimed 1994 as International Year of the Family and that international traffic in minors undermined and destabilized the family, the basic element of the social structure,

Recalling also the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, 50/ adopted by the World Summit for Children, held in New York on 29 and 30 September 1990,

1. Notes the Inter-American Convention on International Trafficking of Minors, adopted and opened for signature at the Fifth Inter-American Specialized Conference on Private International Law, held at Mexico City in March 1994, with the objective of, among other things, preventing and punishing international traffic in minors;

2. Decides that international traffic in minors should be considered by the Commission on Crime Prevention and Criminal Justice at its fourth session,

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* For the discussion, see chap. II.

50/ A/45/625, annex.

in the context of its discussion on the question of organized transnational crime;

3. Requests the Economic and Social Council, at its substantive session of 1994, to consider practical proposals to improve the coordination of efforts being made to deal with this matter by the various organs, specialized agencies and other entities of the United Nations system, including the United Nations Children's Fund and the Commission on Human Rights, and by other interested organs and bodies;

4. Invites the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, in cooperation with the Secretary-General and the other United Nations and affiliated institutes, to prepare a report on the world situation with regard to international traffic in minors, using information available to the United Nations system, for submission to the Commission on Crime Prevention and Criminal Justice at its fourth session;

5. Decides that the matter of international traffic in minors should be given priority consideration by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, under items 2 and 4 of its provisional agenda;

6. Recommends that international traffic in minors should receive attention at the plenary meetings of the General Assembly dealing with the International Year of the Family with regard to the implementation of the relevant standards and procedures.

Resolution 3/3. Information management functions of the United Nations crime prevention and criminal justice programme*

The Commission on Crime Prevention and Criminal Justice,

Recalling General Assembly resolution 46/152 of 18 December 1991 in which the Assembly decided that the United Nations crime prevention and criminal justice programme should provide States with practical assistance, such as data collection, information and experience sharing, and training, to achieve the goals of preventing crime within and among States and of improving the response to crime,

Recalling also General Assembly resolution 45/109 of 14 December 1990 on the computerization of criminal justice, and that computerization of criminal justice information is a means of improving clearing-house functions in criminal justice systems at the national and international levels, including the provision of statistical information that would benefit Governments and the international community by providing data on crime trends and the operation of criminal justice systems,

Recalling further Economic and Social Council resolutions 1992/22 of 30 July 1992 and 1993/34, section IV, of 27 July 1993, in which the Council emphasized the need to strengthen the existing clearing-house facilities of the United Nations crime prevention and criminal justice programme, in relation to

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* For the discussion, see chap. III.

crime prevention and criminal justice issues, and to develop the infrastructural capacity to match the training needs of Member States with the opportunities available to meet them,

Recalling further Economic and Social Council resolution 1993/34, section IV, in which the Council requested the Secretary-General to report to the Commission, at its third session, on progress made in the improvement of computerization in criminal justice management, with emphasis on strengthening national capacities for the collection, collation, analysis and utilization of data,

1. Takes note of the reports of the Secretary-General on the progress of work on the periodical surveys of crime trends, 51/ and on improvement of computerization of criminal justice management; 52/

2. Expresses deep concern about the resource implications for the Crime Prevention and Criminal Justice Branch of the Secretariat in the light of the transfer of functions of the United Nations Criminal Justice Information Network, from the School of Criminal Justice of the State University of New York to the United Nations Office at Vienna;

3. Recommends changing the name of the United Nations Criminal Justice Information Network to the United Nations Crime and Justice Information Network;

4. Urges Member States to join and support the Network, both financially and by providing technical support, as a viable instrument to promote and enhance the dissemination and exchange of information and the transfer of knowledge;

5. Calls on Member States to invite criminal justice agencies to join the Network with a view to providing it with information which may be shared easily with other countries;

6. Also calls on Member States to provide promptly and accurately the statistical information to biennial United Nations crime trends surveys, with a view to enhancing the quality and timeliness of analyses and publications and to facilitate other international surveys sponsored by the United Nations on victims, offenders, criminal justice operations and crime prevention;

7. Further calls on Member States, interregional and non-governmental organizations, and the private sector to assist the Secretary-General in establishing an ad hoc group of experts on computerization of criminal justice information as envisaged in General Assembly resolution 45/109, paragraph 4, with a view to advising him in developing computerization projects dealing with training and funding, as well as the evaluation of such projects;

8. Requests Member States to give serious consideration to strengthening the information management functions of the United Nations crime prevention and criminal justice programme, including technical cooperation programmes on computerization, and to provide technical and financial assistance to the development of related projects, either through the United Nations Crime Prevention and Criminal Justice Fund and/or through secondment of staff, or other appropriate means;

51/ E/CN.15/1994/2.

52/ E/CN.15/1994/3.

9. Requests the Secretary-General to submit an interim report on the Fourth United Nations Survey on Crime Trends and Operations of Criminal Justice Systems to the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and to intensify the work on regular survey publications;

10. Also requests the Secretary-General to consider strengthening the servicing of the clearing-house projects, including the United Nations surveys on crime trends, operations of criminal justice systems and crime prevention strategies and computerization projects by allocating staff and other resources commensurate with the intensification of work on those projects, and to submit a statement to the Commission at its fourth session on the financial implications involved in improving the undertaking of such projects;

11. Encourages the United Nations Interregional Crime and Justice Research Institute and regional affiliate and associate institutes of the United Nations crime prevention and criminal justice programme to intensify their work in the training of criminal justice statisticians in the framework of periodical United Nations crime trend projects;

12. Encourages those regional and other institutes to consider including in their draft programme budgets appropriate provisions to enable the regular issuance of regional reports on crime trends on the basis of the results of biennial United Nations surveys on crime trends and, as appropriate, reports of the international surveys sponsored by the United Nations on victims, offenders, criminal justice operations and crime prevention.

Resolution 3/4. Succession of States in respect of international treaties on combating various manifestations of crime*

The Commission on Crime Prevention and Criminal Justice,

Noting the considerable changes within the international community in connection with the dissolution of States and the emergence of successor States,

Recalling Commission on Human Rights resolutions 1993/23 of 5 March 1993 53/ and 1994/16 of 25 February 1994, 54/ in which the Commission, inter alia, encouraged successor States to confirm to appropriate depositories that they continued to be bound by obligations under international human rights treaties,

Considering that the widest possible adherence to international treaties in particular those on combating such dangerous crimes as illicit drug trafficking, the taking of hostages and hijacking, is one of the conditions for effective international cooperation in this field,

Emphasizing the special importance of the consistent and effective implementation of international instruments on combating crime,

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* For the discussion, see chap. IV.

53/ Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

54/ Ibid., 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

Recognizing the need to intensify and coordinate efforts against the most dangerous manifestations of crime in order to ensure concerted global action,

Noting that the confirmation by successor States to appropriate depositories that they continue to fulfil obligations of their predecessor States under international treaties on combating various manifestations of crime is important for successful action by the international community against the evils of crime,

1. Urges successor States to confirm to appropriate depositories that they continue to be bound by obligations under relevant international treaties on combating various manifestations of crime to which their predecessor States were parties;

2. Encourages successor States that have not yet done so to consider becoming parties to those international treaties on combating crime to which their predecessor States were not parties;

3. Requests the Secretary-General to render advisory services, upon request, with regard to the legal aspects of the succession or adherence to international treaties on combating crime to successor States that are Members of the United Nations and to include in his report on technical cooperation, to be submitted to the Commission on Crime Prevention and Criminal Justice at its fourth session, information on progress achieved in that area, to serve as the basis for further consideration of that issue by the Commission.

Resolution 3/5. Coordination and cooperation between the Crime Prevention and Criminal Justice Branch of the Secretariat and the United Nations International Drug Control Programme*

The Commission on Crime Prevention and Criminal Justice,

Convinced that the scope of international cooperation in all fields of crime prevention, criminal justice and drug abuse control should be increased as a matter of priority,

Bearing in mind that effective action and cooperation at the national, regional and international levels depend on improved coordination of all activities related to crime prevention, criminal justice and drug abuse control within the United Nations system,

Recalling General Assembly resolutions 45/179 of 21 December 1990, 46/152 of 18 December 1991 and 48/112 of 20 December 1993, Economic and Social Council resolution 1992/22 of 30 July 1992 and decision 1993/245 of 27 July 1993 and Commission on Narcotic Drugs resolution 8 (XXXVI) of 7 April 1993, 55/

Recalling also General Assembly resolution 48/228 of 23 December 1993, in which the Assembly requested the Secretary-General to strengthen the coordination between the Crime Prevention and Criminal Justice Branch of the Secretariat and the United Nations International Drug Control Programme, taking

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* For the discussion, see chap. VI.

55/ Official Records of the Economic and Social Council, 1993, Supplement No. 9 (E/1993/29/Rev.1), chap. XI.

into account the role of the Director-General of the United Nations Office at Vienna and the observations contained in paragraph IV.51 of the report of the Advisory Committee on Administrative and Budgetary Questions, 56/

Welcoming with appreciation the two conferences to be hosted by the Government of Italy in 1994: the International Conference on Laundering and Controlling Proceeds of Crime: A Global Approach, to be organized in cooperation with the International Scientific and Professional Advisory Council and held at Courmayeur, Italy, from 17 to 21 June 1994, and the World Ministerial Conference on Organized Transnational Crime, to be held at Naples, Italy, from 24 to 26 October 1994,

Noting that the Commission on Narcotic Drugs, in its resolution 1 (XXXVII) of 20 April 1994, requested the United Nations International Drug Control Programme to give appropriate consideration to technical cooperation projects formulated and submitted by the Branch for joint implementation, 57/

1. Decides to take steps towards enhancing active cooperation with the Commission on Narcotic Drugs in order to increase the efficiency and effectiveness of United Nations activities in areas of mutual concern and interest;

2. Welcomes the activities jointly undertaken by the Crime Prevention and Criminal Justice Branch and the United Nations International Drug Control Programme of the Secretariat as described in the note by the Secretariat 58/ on coordination of drug-related activities and cooperation between the Branch and the Programme, and recommends that their coordinated activities be sustained and expanded;

3. Requests the Crime Prevention and Criminal Justice Branch, within the framework of its mandate and within existing financial resources, to cooperate with the United Nations International Drug Control Programme in activities related to the above-mentioned conferences, as well as those for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

4. Requests the Secretary-General to ensure continued coordination of the activities of the Branch and the Programme, with a view to, inter alia, considering an increase in their capacity to undertake mutually compatible operational activities in their fields of competence in order to meet the existing and emerging needs of Member States, as resources permit, in particular with respect to assistance to requesting States in drafting appropriate legislation, the provision of advisory services and the organization of workshops and other training activities;

5. Requests the Branch and the Programme to plan and undertake joint operational activities in areas of mutual concern;

56/ A/48/7.

57/ E/CN.7/1994/7.

58/ Official Records of the Economic and Social Council, 1994, Supplement No. 10 (E/1994/30).

6. Requests the Branch and the Programme to utilize each other's expertise in activities involving matters falling within their respective fields of competence;

7. Requests the Branch and the Programme to continue the meetings begun in 1993 to review mutual activities in relevant areas of concern, which are in their respective fields of competence, such as mutual legal assistance, extradition, money-laundering, organized crime, legislation relating to the proceeds of crime, corruption, incorporation of anti-drug legislation in national penal codes, protection of human rights in the drafting and enforcement of anti-drug legislation, and crime prevention, especially in urban areas, and to report jointly and annually to the Commission on Crime Prevention and Criminal Justice and to the Commission on Narcotic Drugs on progress achieved in strengthening coordination.

Decision 3/101. Report of the open-ended in-sessional working group on United Nations standards and norms in crime prevention and criminal justice*

At its 15th meeting, on 6 May 1994, the Commission on Crime Prevention and Criminal Justice took note of the report of the open-ended in-sessional working group on United Nations standards and norms in crime prevention and criminal justice. 59/

Decision 3/102. Report of the informal open-ended working group on agenda item 7**

At its 15th meeting, on 6 May 1994, the Commission on Crime Prevention and Criminal Justice took note of the report of the informal open-ended working group on agenda item 7. 60/

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* For the discussion, see chap. IV.

** For the discussion, see chap. V.

59/ E/CN.15/1994/L.13.

60/ E/CN.15/1994/L.20.

Chapter II

REVIEW OF PRIORITY THEMES, IN ACCORDANCE WITH COMMISSION RESOLUTION 1/1 ON STRATEGIC MANAGEMENT BY THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE OF THE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME

1. The Commission considered item 3 of its agenda at its 1st to 4th, 6th, 7th, 9th to 11th and 13th to 15th meetings, from 26 to 29 April and from 3 to 6 May 1994. It had before it the following documents:

(a) Report of the Secretary-General on progress made in the fourth and fifth surveys of crime trends and operations of criminal justice systems and other initiatives under way to acquire, process and distribute crime prevention and criminal justice data (E/CN.15/1994/2);

(b) Report of the Secretary-General on progress made in the improvement of computerization in criminal justice management, with emphasis on strengthening national capacities for the collection, collation, analysis and utilization of the data (E/CN.15/1994/3);

(c) Report of the Secretary-General on the status of the preparations for the World Ministerial Conference on Organized Transnational Crime (E/CN.15/1994/4);

(d) Report on the meeting of the Ad Hoc Expert Group on Implementing Legislation to Foster Reliance on Model Treaties, held at Vienna from 18 to 21 October 1993 (E/CN.15/1994/4/Add.1);

(e) Report on the meeting of the Ad Hoc Expert Group on More Effective Forms of International Cooperation against Transnational Crime, including Environmental Crime, held at Vienna from 7 to 10 December 1993 (E/CN.15/1994/4/Add.2);

(f) Conclusions and recommendations of the meeting of the Ad Hoc Expert Group on Managing the Risk of Violence in a Criminal Justice System: A Framework of Analysis, held at Chicago, United States of America, from 18 to 20 August 1993 (E/CN.15/1994/4/Add.3);

(g) Note by the Secretary-General on proposals made by Member States on specific objectives and activities, in accordance with Commission resolution 1/1 on strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations crime prevention and criminal justice programme (E/CN.15/1994/5);

(h) Statement submitted by the International Association of Juvenile and Family Court Magistrates, a non-governmental organization in consultative status with the Economic and Social Council, category II (E/CN.15/1994/NGO/6).

2. In introducing the item, the Chief of the Crime Prevention and Criminal Justice Branch noted that the Commission and the United Nations crime prevention and criminal justice programme could be effective only if they remained alert to emerging concerns and needs of the international community, particularly in a constantly and rapidly changing world, with new forms of crime making their appearance suddenly and frequently. At its second session, the Commission had reviewed the priority themes of the programme and had reaffirmed their relevance

to the concerns of Member States. As the consultation process regarding the review of the priority themes, initiated in accordance with the decision of the Commission, had not provided grounds for meaningful conclusions, the Commission might, therefore, consider allowing more time for that process.

3. The Chief of the Branch informed the Commission about the major issues raised in the documentation before it and invited its attention to matters calling for action. He then referred to certain developments that had occurred since the second session of the Commission that deserved particular attention. At its forty-eighth session, the General Assembly had adopted a resolution on prevention of the smuggling of aliens (resolution 48/102). In that resolution, the Assembly had requested the Commission at its third session to consider giving special attention to the question of the smuggling of aliens, in order to encourage international cooperation in addressing that problem. In view of the alarming implications of alien smuggling, and the involvement of international criminal groups, there was a need for urgent action by the international community. The Commission was particularly competent to explore modalities for strengthening international cooperation in that matter and for identifying a course of action for the future. On 11 and 12 April 1994, the Branch had participated in a meeting of experts on tourist safety and security, organized by the World Tourism Organization. The meeting reflected the concerns of Member States, organizations and the private sector over attacks on and threats to tourists, which had threatened the lifeline of many countries. The Chief of the Branch informed the Commission of the recommendations of the meeting and of its request that the Commission consider future action to deal with the problem.

4. All those who spoke on that subject expressed their concern about the occurrence of severe environmental damage in many parts of the world and emphasized that criminal law should have an important role in environmental protection, together with civil and administrative law measures. Traditionally, criminal law was used only if other measures were found to be insufficient. Given the unprecedented growth of "macro-crime", however, with its national and international implications, it was appropriate to give criminal law a greater role. The Commission should continue to give high priority to that area.

5. Following the United Nations Conference on the Environment and Development, held at Rio de Janeiro, Brazil, from 3 to 14 June 1992, there had been an increased awareness among Member States of the environment as a shared heritage of humankind, and of its importance to future generations. Activities of particular concern included the improper disposal of hazardous and toxic wastes, wilful pollution of the environment, negligent or reckless serious environmental damage, and trafficking in endangered species. The accident at the Chernobyl nuclear power plant, which had occurred in 1986, continued to have grave consequences, both in terms of human suffering and environmental degradation, underscoring the potentially disastrous and long-term effects of such incidents.

6. While in some countries, national legislation had been reviewed and new measures for more effective environmental protection had begun to be implemented, the laws in many countries were still fragmented and insufficient to deal with the threat posed by crimes against the environment. Concern was expressed about the fact that corporations were among the perpetrators of some of the more serious environmental offences. For that reason, there was a growing trend in a number of countries to amend national legislation to institute corporate liability under criminal law and to enable the prosecution of corporate offenders. The importance of studying and promoting standards for corporate ethics was emphasized. It was noted that in some developed countries the practice of disposing of hazardous waste by exporting it to less developed

countries should be subjected to more effective controls, since it caused serious environmental degradation and health risks in the importing countries. It was stated that environmental protection measures should be seen in the context of development, and the need to deal with problems such as scarcity of resources, unemployment and overpopulation.

7. It was noted that States should review the application of their criminal laws to environmental protection at the national, regional and international levels. The compatibility and harmonization of different national laws penalizing the harming of the environment was important for effective law enforcement, since mutual assistance treaties required that conduct be an offence in the requesting State, and extradition agreements required dual criminality. Such modalities for international cooperation should be expanded in order to achieve more effective protection of the environment.

8. There should be a global, harmonized approach to the use of criminal law in environmental protection, and specific programmes of action should be developed. Possible modalities for international cooperation included the development of policy guidelines for Member States reviewing legislation, the elaboration of manuals dealing with environmental crime, improved technical standards in areas such as sampling and examination methods for determining levels of pollution, as well as the provision of advisory services on investigation and law enforcement. There was also a need for intensified exchanges of information between States concerning legislation and procedures. It was noted that there were already a number of specific conventions in that area and that their implementation could be improved by more effective mutual assistance and extradition. If necessary, new conventions should be prepared. A number of speakers stated that the elaboration of an international convention on crimes against the environment in general might be premature. It was suggested that one approach to effectively countering the transboundary effects of environmental crimes would be the establishment of an international criminal jurisdiction administered by an international court, which would be empowered to deal with crimes against the environment no matter where they occurred.

9. There was also a need for further in-depth discussion, at an international level, of the proper scope of the criminal law in environmental protection, as well as the range of measures and sanctions available. Such a discussion should include, for example, consideration of the relative merits of more general measures compared with the merits of specific measures, evidential issues in establishing criminal liability, appropriate procedures for prosecution, and the standing of different persons and entities in court actions. It was emphasized, however, that the international community should not allow potential legal complexities to deter it from taking urgently needed global action in that area.

10. The Ninth Congress would provide a forum for establishing a framework for future action. It was noted that valuable work on sustainable development and environmental protection, in general, was being done by a number of intergovernmental and non-governmental organizations on a regional and interregional basis. It was important for the Commission to coordinate its work in that area with other relevant entities.

11. A number of participants welcomed the Declaration on the Elimination of Violence against Women, proclaimed by the General Assembly in its resolution 48/104, and noted with approval resolution 38/3 of the Commission on the Status of Women, pertaining to the same issue. The appointment by the Commission on Human Rights, in its resolution 1994/45, of a Special Rapporteur on Violence against Women was also welcomed. Further discussion of the matter

at the Fourth World Conference on Women: Action for Equality, Development and Peace, to be held at Beijing in 1995, was considered appropriate.

12. Reference was made to the Workshop on Domestic Violence Issues in Central and Eastern Europe, held at Budapest in April 1994. The workshop had been organized by the European Institute for Crime Prevention and Control, affiliated with the United Nations, in cooperation with the Ministry of Justice of Hungary.

13. It was stressed that much remained to be done, notwithstanding a number of commendable initiatives at the regional and international levels and a variety of international instruments designed to protect the rights of women. In this context, one delegation drew attention to the necessity of establishing a legal mechanism of an international character to protect women who were exposed to injury resulting from the use of any kind of violence against them. It also urged the necessity and coordination with the competent international bodies with a view to considering the drafting of a protocol, supplementary to the Convention on the Elimination of All Forms of Discrimination against Women, on the question of the use of violence against women. Gender-based violence constituted the ultimate form of violence against women. Due to cultural or other differences, violence against women was frequently not addressed as a serious problem. It was emphasized that violence against women, in or outside the family setting, was a criminal act and, as such, had to be dealt with by criminal law and the criminal justice system. It was thus clearly a matter falling within the purview of the Commission, which should continue giving it due priority. Several participants stressed the importance of States relying on their coercive powers in order to deal effectively with the problem of violence against women by making it a criminal offence, regardless of the context in which it occurred.

14. Political, economic and social upheaval, as well as social transition in general, often exacerbated the situation. Many participants strongly condemned the practice of systematic abuse of women and rape in the course of armed conflicts. It was noted that refugee women often fell victim to violence of various forms, and the international community had an obligation to urgently seek effective remedies. The elaboration of model legislation to provide effective mechanisms for the apprehension and punishment of offenders was mentioned as a possibility. It was suggested that the Commission consider undertaking such an initiative in cooperation with other relevant entities. A number of participants made reference to the recent establishment of an international tribunal for war crimes committed in the former Yugoslavia and expressed their support. The establishment of the tribunal constituted a step in the direction of consolidating international law and a manifestation of the determination of the international community to deal with international crimes at the global level. It was suggested that the Commission work closely with the tribunal in its field of competence and assist it in the implementation of its mandate.

15. In many cases, violence against women was domestic violence. The clandestine nature of such a crime rendered prosecution of offenders difficult, since women were often reluctant to report incidents to the authorities due to shame, fear or financial dependence. Campaigns to heighten public awareness of the problem and of its criminal nature were deemed effective and should continue to be undertaken. Moreover, it was considered important to provide women with counselling on how to react in crisis situations and with medical, legal and psychological advice and services; in addition, refuge shelters should be established. The need for a legal basis on which to address domestic violence was emphasized and States were encouraged to make the necessary arrangements.

Furthermore, the need to remove gender-based bias from existing legislation was stressed.

16. The usefulness of Strategies to Confronting Domestic Violence: A Resource Manual (ST/CSDHA/20), as a tool in training programmes and technical cooperation activities, was emphasized. Several participants stressed the importance of having the Manual translated into all the official languages of the United Nations, while one participant stated that his Government intended to have it translated into French and to support work towards the development of a complementary manual with case-studies.

17. Mention was made of the need for ongoing research into the causes of, and effective remedies for, violence against women, including further consideration of the issue of marital rape. As violence often occurred in the family, it was deemed necessary to examine the particular conditions in which it occurred. Participants in the above-mentioned workshop at Budapest identified alcohol and substance abuse, economic disadvantage, overcrowded living conditions, and fundamental changes in traditional family roles as factors behind violence against women. It was stated that while those were relevant factors in certain countries they were considered indicative of certain situations that might be conducive to violence against women in others. Some participants stressed the usefulness of further study and identification of significant trends and contributing factors. It was noted that the Ninth Congress would offer an opportunity for consideration of the matter under its fourth substantive topic and in the workshops on prevention of violent crime and on urban policy and crime prevention.

18. Organized transnational crime was the focus of attention of all speakers. Its rapid expansion and internationalization demanded urgent attention and concerted action by the international community. Organized transnational crime posed a serious threat to economic development and the establishment of democracy and security and jeopardized even the sovereignty of States. It had destructive effects and prevented the establishment of a new economic order. Organized transnational crime had a tendency to establish itself and to gradually expand its operations, taking advantage of gaps and loopholes in legislation and other regulatory measures. That characteristic might be at the root of the lack of priority attention given to it by some Governments and their reluctance to place organized crime at the top of their agendas for action until its operations had grown to almost unmanageable levels. The priority attention accorded to organized transnational crime by the Commission should be continued and efforts should be directed at studying the establishment and expansion methods of organized criminal groups, with a view to devising more effective control strategies.

19. All participants welcomed the World Ministerial Conference on Organized Transnational Crime, to be held at Naples, Italy, from 24 to 26 October 1994, and expressed their appreciation to the Government of Italy for offering to act as host to the Conference. The Conference would provide a high-level forum for the expression of the political will of Member States to join forces and spare no effort in effectively combating organized transnational crime. It was hoped that, just as the international community had been able in 1988 to create an effective instrument for the fight against illicit drug trafficking, the necessary will and determination could be mustered to counter organized transnational crime.

20. A number of participants stressed the importance of terrorist crimes as one of the most dangerous forms of organized crime and called for the inclusion of that issue in the work of the Conference.

21. Organized transnational crime called for international collaboration not only to reinforce control mechanisms, but also to prevent such crime from moving into new territories that were less equipped to deal with it and from expanding its operations into new areas and activities. International action should aim at conceiving and designing strategies on the basis of common characteristics of organized transnational crime, including the involvement of several persons in a hierarchically structured group, the profit-making aim, the use of violence and intimidation, corruption, the infiltration of legitimate businesses and expansion across national frontiers. Difficulties in international cooperation stemmed from the great differences that still existed among countries in the comprehension and evaluation of organized crime and, consequently, in the choice of different strategies to combat it, as well as in widely divergent degrees of development of laws and regulations. The international community should strive to arrive at a common perception of organized transnational crime, making it possible to design and implement more mutually compatible national measures, thus considerably increasing the effectiveness of international cooperation.

22. Targeting the proceeds of crime was considered to be of the utmost importance in the fight against organized transnational crime. Effective action at the global level was crucial in preventing and controlling the accumulation of illicit profits and in contributing to the impoverishment and weakening of criminal organizations. Furthermore, the introduction of measures designed to foster transparency in corporate assets and in financial transactions was regarded as particularly important in preventing organized transnational crime from infiltrating the licit economy of a country and in curtailing the ability of organized criminal groups to use international markets for laundering and investing their illicit proceeds. The international community had to develop effective and consistent strategies and measures that would enable it to prevent and control the laundering and use of the proceeds of crime. It was time to move from writing law to applying it. Their strategies should be based on considering the laundering and use of the proceeds of crime a criminal activity per se and should be aimed at increasing the risk to organized criminal groups and at making their activities less profitable. Success would depend on the ability of the international community to cooperate in creating a safety net to protect the transparency of national and international markets. The United Nations had an important role to play in the creation of a safety net, complementing the work of other organizations that had been active in the field for a number of years. Participants welcomed the convening of the International Conference on Laundering and Controlling Proceeds of Crime: A Global Approach, at Courmayeur, Italy, from 17 to 21 June 1994. It was stated that the Conference, which was being organized by the International Scientific and Professional Advisory Council in cooperation with the Government of Italy and under the auspices of the Crime Prevention and Criminal Justice Branch, could make a significant contribution to strengthening international cooperation.

23. It was noted that technical cooperation, which was deemed essential in the fight against organized transnational crime, could be carried out in many forms. Countries that had accumulated experience in combating organized crime could offer their assistance, with a view to developing and enhancing countermeasures in countries in need. The training of investigative and judicial personnel was considered necessary to raise professionalism and improve skills, also making cooperation between the various national agencies easier and more effective. Assistance could be provided in drafting legislation to prevent and control

organized crime. Moreover, in the field of information exchange, the establishment of national databases and the use of essential technology, particularly computerized systems for collecting and exchanging intelligence, could be worthwhile. Technical cooperation could also be provided in the form of expanding already existing agreements beyond traditional organized crime matters, such as drug offences, to all serious crimes, in particular fraud and other economic crimes, computer crime, environmental crime and the illicit arms trade.

24. Considerable discussion was devoted to law enforcement. Participants emphasized the necessity of enhancing intelligence activities, introducing and developing investigative tools that made it possible to penetrate criminal organizations. The establishment of national specialized investigative agencies, with a view to creating an international network among them, was also stressed. In addition, particular attention should be paid to the problem of witnesses. National legislation could provide incentives for those involved in criminal organizations and for their families when they collaborated with the police and the judiciary.

25. The effective collection, preservation and evaluation of material evidence was considered of particular importance, also in the context of more effective international cooperation. In addition to the sophistication that characterized the operations of organized transnational crime and the fear of retribution that made the collection of evidence difficult, successful prosecution and adjudication of cases involving organized crime were further hampered by divergent evidentiary rules in national laws. It was therefore suggested that efforts should be directed at elaborating model guidelines for evidentiary rules with a view to making national laws more compatible and to enabling investigative, prosecutorial and judicial authorities to cooperate more effectively.

26. Considerable attention was devoted to the various forms of economic crime in which organized criminal groups were increasingly engaging. In addition to laundering the proceeds of crime, organized criminal groups were becoming much more active in manipulating stock and commodity markets. That development called for increased attention in view of the difficulty involved in tracing transactions and otherwise detecting such activity. Furthermore, another matter that was raised by many participants was the link between the operations of organized transnational crime and corruption, which had a potentially devastating impact because of its effects on political institutions. One delegation suggested that an international commission of auditors be established, charged with dealing with corruption, the analysis of financial flows, tax diversion and the sharing of confiscated criminal proceeds among the States involved in specific investigations. With particular reference to corruption, the observer for Spain reiterated the intention of his Government to organize under the auspices of the Branch an interregional meeting of experts in 1994, as a contribution to the preparations for the plenary discussion on the matter to be held during the Ninth Congress.

27. One delegation drew attention to the growing concern about the question of traffic in minors as an example of organized transnational criminality and human degradation. In that connection, reference was made to the report of the Special Rapporteur on the sale of children, child prostitution and child pornography submitted to the Commission on Human Rights at its fiftieth session, in 1994. It was suggested that the Commission accord priority attention to the question, with a view to ensuring an adequate response to the problem at the international level as soon as possible.

28. Reference was also made to the Convention on International Traffic in Minors, adopted in Mexico in March 1994 within the framework of the Organization of American States.

29. Alien smuggling was considered a matter of grave concern for many Governments, especially those of source, transit or destination States. There was currently an upward trend in that criminal activity. Hundreds of thousands of people were being transported illegally. They were subjected to life-threatening conditions during transit, and upon arrival were forced into indentured servitude or criminal activities to pay the smugglers. The smugglers violated domestic and international law, participated in extortion and murder and utilized the profits from such activity to finance other crimes. Criminal legislation should be enacted and enforced to combat the abominable practice, and the Commission should give priority attention to the problem, with a view to promoting more effective international cooperation.

30. Concern was also expressed about the serious situation posed by delays in the administration of criminal justice. The attention of the Commission was drawn to the fact that States represented at the Latin American Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders had recommended that Member States that still had not done so should study the introduction of oral penal procedures to replace the inquisitorial investigative process. The latter was often the source of inordinate delay and lack of transparency, violation of human rights and a large number of prisoners awaiting trial.

31. Regarding progress made in the improvement of computerization in criminal justice management systems, especially the modernization of the administration of criminal justice, a number of participants drew the attention of the Commission to the importance of that issue in combating crime effectively. The modernization of criminal justice management was considered particularly relevant, with emphasis to be placed on the exchange of information, cooperation between law enforcement agencies, improved information management and training.

32. A number of participants stressed the importance of the United Nations surveys of crime trends and operations of criminal justice systems as a tool for data collection, as well as the need for reliable analysis and dissemination of information on the patterns and dynamics of criminality in the world. A more frequent two-year reporting cycle would bring the surveys in line with the fast-changing crime scene, transnationally and nationally, and would be useful in updating publications resulting from the surveys.

33. The attention of the Commission was drawn to the need to make the exchange of information more practical and effective by establishing efficient databases and further developing and improving clearing-house facilities. It was believed that taking such steps would enable criminal justice officials to build on the experience existing in other countries and would enable the United Nations crime prevention and criminal justice programme to undertake international cooperation projects in the field of crime control.

34. Support was expressed for the efforts of the Branch to establish a database for technical cooperation projects in countries of central and eastern Europe, as well as a database in support of efforts to combat transnational crime. Some participants indicated that their Governments intended to provide assistance to the Branch in the form of, inter alia, extrabudgetary resources.

35. A number of participants spoke on electronic data processing and the exchange of data. They stressed the need to develop the computerization of criminal justice information as a mechanism to monitor developments in control of organized transnational crime. It was believed that, while in some countries satisfactory levels had been achieved in the computerization of criminal justice, there was still a considerable need to improve the computerized exchange of data and information at the international level within the framework of the United Nations crime prevention and criminal justice programme. It was also stressed that the computerization of criminal justice systems should be applied at the national and international levels, with due consideration given to the standards prevailing in both developed and developing countries. Emphasis should be given to strengthening national capacities in the least developed countries in that area.

36. Concern was expressed about the fact that some countries were still faced with a shortage of technical skills and that computerized database systems needed to be established to facilitate the effective transfer of technical knowledge and the exchange of information at the national, regional and international levels.

ACTION TAKEN BY THE COMMISSION

Organized transnational crime

37. At the 11th meeting, on 4 May 1994, the representative of Italy introduced a draft resolution E/CN.15/1994/L.4 entitled "Organized transnational crime".

38. The draft resolution was subsequently revised and circulated in document E/CN.15/1994/L.4/Rev.1.

39. At the 13th meeting, on 5 May, the Russian Federation joined in sponsoring the revised draft resolution, which read as follows:

"The Economic and Social Council,

"Alarmed by the expansion and dimensions of organized transnational crime and the increasing sophistication and diversification of the activities of organized criminal groups,

"Alarmed also by the ability of organized criminal groups to transcend national frontiers, taking advantage of regional arrangements designed to foster free trade and of the gaps in national legislation and international cooperation,

"Deeply concerned over the capacity of organized criminal groups to expand their activities and to target economies of countries in transition, thereby posing a grave threat to the viability and further development of those economies,

"Convinced of the urgent need for more effective action against organized transnational crime, to be coordinated at the global and regional levels,

"Convinced also that such action represents an investment in the future for all societies,

"Further convinced that technical assistance in the prevention of organized crime is indispensable and should be given high priority,

"Recalling General Assembly resolutions 46/152 of 18 December 1991, 47/87 and 47/91 of 16 December 1992, and 48/102 and 48/103 of 20 December 1993,

"Recalling also its resolutions 1992/22 of 30 July 1992 and 1993/29 of 27 July 1993,

"1. Takes note of the report of the Secretary-General (E/CN.15/1994/4) to the Commission on Crime Prevention and Criminal Justice at its third session on the status of preparations for the World Ministerial Conference on Organized Transnational Crime, to be held at Naples, Italy, from 24 to 26 October 1994;

"2. Also takes note of the debate held on this topic by the Commission at its third session and of the document submitted to the Commission by the Italian Government at that session, annexed to the present resolution, which contains elements useful for the identification of specific matters to be dealt with by the World Ministerial Conference on Organized Transnational Crime, to be used as a basis for the substantive discussion of the objectives of the World Ministerial Conference;

"3. Reiterates its request to all Member States to be represented at the World Ministerial Conference on Organized Transnational Crime at the highest possible level;

"4. Commends the work done thus far by the Italian Coordination Committee in preparation for the World Ministerial Conference and recommends that its efforts should be continued and intensified to ensure, in close cooperation with the Crime Prevention and Criminal Justice Branch of the United Nations Office at Vienna, the finalization of all necessary preparations;

"5. Requests the Secretary-General to produce and submit to the World Ministerial Conference background documents on each of its objectives, listed in paragraph 1 of Economic and Social Council resolution 1993/29, seeking input from Member States, in order to assist the World Ministerial Conference in its deliberations;

"6. Recommends that the World Ministerial Conference should take into consideration, inter alia, the conclusions and recommendations of the International Conference on Laundering and Controlling Proceeds of Crime: A Global Approach, organized by the Government of Italy, in cooperation with the International Scientific and Professional Advisory Council and under the auspices of the Crime Prevention and Criminal Justice Branch, which was held at Courmayeur, Italy, from 17 to 21 June 1994, pursuant to Economic and Social Council resolution 1993/30 of 27 July 1993;

"7. Requests the Secretary-General, within existing resources, to continue collecting, analysing and disseminating information on the incidence, expansion and effects of organized transnational crime;

"8. Also requests the Secretary-General, within existing resources, to continue collecting the provisions of national legislation on the prevention and control of organized transnational crime, as well as on

seizure, forfeiture and control of the proceeds of crime, money-laundering, monitoring of large-scale cash transactions and other measures, taking into account the work done by other intergovernmental organizations, and to make them available upon request to Member States desiring to enact or further develop legislation in those areas;

"9. Calls upon Member States to extend their full cooperation to the Secretary-General in performing the task described in paragraph 8 above and to respond promptly to his requests for information on those matters;

"10. Requests the Secretary-General to provide, within existing resources, upon request, advisory services and practical assistance to Member States wishing to adopt legislation or amendments or other measures, and to upgrade the skills of their criminal justice personnel, in order to prevent and control organized transnational crime;

"11. Also requests the Secretary-General, within the overall existing resources of the United Nations, to organize and conduct regional workshops and training programmes to deal with specific aspects of organized transnational crime, in accordance with the specific needs of Member States, such as the impact of organized transnational crime on the economies of countries in transition and its potential threat to regional initiatives designed to foster economic cooperation;

"12. Requests the Commission on Crime Prevention and Criminal Justice to act as focal point in order to facilitate coordination of efforts and relevant activities of other entities of the United Nations system and to closely cooperate with other intergovernmental organizations to maximize the impact of efforts in the field;

"13. Also requests the Commission to continue to accord the utmost consideration to the issue of organized transnational crime;

"14. Further requests the Commission to give appropriate follow-up to the results of the World Ministerial Conference."

"Annex

"Document on the World Ministerial Conference on Organized Transnational Crime

"1. The objectives of the World Ministerial Conference on Organized Transnational Crime were defined by the Economic and Social Council in its resolution 1993/29 of 27 July 1993. They represent five areas on which the ministers attending the Conference will debate and make decisions.

"2. Taking into consideration the five areas and the political nature of the Conference, it should embody the political will of nations to fight organized transnational crime with firmness, but will also pinpoint the fundamental principles of national initiatives and those upon which international cooperation in that area will be based.

"3. It is common knowledge that experience in relation to organized crime is characterized not only by the extreme seriousness of the phenomenon, but also by the strong reaction shown by the authorities.

"4. In recent years, the fight against organized crime has, in a number of countries, paved the way for the introduction of strict and effective legislative rules and for the organization of new operational means that have allowed the authorities to react, often successfully, against the phenomenon, limiting its potential damage to society and individuals.

"5. However, through direct experience, especially in the use of the instruments offered by the criminal justice system, Governments have become aware that for national action to be effective there needs to be cooperation from all nations. The Governments have also come to understand that organized crime is, due to its nature, a pervasive phenomenon. Therefore, the international community should find ways to cooperate, not only in helping the repression of current criminal behaviour, but also in preventing the reallocation of the phenomenon in new territories, where criminal activity can spread more easily.

"6. This need for international cooperation is always accompanied by a common concern and by expressions of political will directed at cooperation, but - unfortunately - a common action does not always follow and, sometimes, mutual assistance is not even possible in individual cases.

"7. It is believed that these difficulties are the result of the great differences that still exist among countries in their understanding and evaluation of the phenomenon and, consequently, in their choice of policies to pursue in fighting organized crime, as well as the result of the different degrees of development of laws and regulations in each country.

"8. Therefore, it is hoped that the Conference will contribute towards the creation of a common perception of organized crime within the international community and that it will lead to the creation of a common concept of the phenomenon, through which it will be possible to lay down proposals for more homogeneous national measures that will also make cooperation more effective.

"9. In order to reach this goal, it should be underlined that, according to experience, positive results are achieved in the fight against organized crime not only by focusing on one or another type of 'definite' crime committed by criminal groups, for example, drug trafficking, extortions, illegal gambling or trafficking. It is important to use regulations and strategies that can be applied to every aspect of criminal activities. In other words, there is a need to devise strategies related to the structural characteristics of organized crime, which besides the essential element of having more individuals organized in a group, include the goal of profit-making; the use of violence, intimidation and corruption; the hierarchy or personal relationships that make it possible to closely control the activities of the group; the economic control of whole territories; the laundering of illegal profits not only in order to organize other criminal activities but also in order to set up legal businesses (with the consequent effect of corrupting them); the great potential expansion of criminal activities beyond national boundaries; and international trafficking often set up in cooperation with other groups of different nationalities.

"10. In the area of organized crime, the Conference and the consequent actions of the United Nations in complementing current programmes of prevention and criminal justice regarding specific crimes should take into account the above-mentioned characteristics.

"11. The analysis of the structural characteristics highlights the importance of there being a series of measures against organized crime, both in the area of substantial and procedural penal law and in the area of international cooperation. It is hoped that the issues presented below will receive particular attention from the various countries and competent international authorities represented at the Conference.

"12. As far as substantial penal law is concerned, particular attention should be paid to 'incrimination' of the participation in a criminal organization. The existence of specific crimes such as the 'association of criminals' of the French law or the 'criminal association' or 'Mafia association' of the Italian penal code or the various types of 'conspiracy' of other criminal laws, should be used as an example. In Italy, for example, the 'association' crimes have played a great role in criminal justice intervention against organized crime.

"13. The use in all nations of similar, if not identical, types of incrimination for members of criminal organizations can help reduce the reallocation of organized crime and will facilitate legal cooperation, especially when it requires double incrimination.

"14. The hoarding of large amounts of capital originating from criminal activities, not only from drug trafficking, and the resulting need of criminal organizations to launder these profits and invest them in legal businesses leads, as far as the substantial penal law is concerned, to the necessity of incrimination of such acts in relation to any kind of profit-making criminal activity. Particular attention should also be given to correct and well-defined incrimination of economic crimes.

"15. For the same reason, it is important not to neglect preventive measures, ensuring a clear definition of the position of the owners of companies and accurate control of acquisitions and transfers; a high ethical standard in public administration and financial institutions; and the cooperation of authorities in charge of regulating financial and economic sectors, as well as those in charge of applying the penal code.

"16. The fight against organized crime is based on strategies aimed at defeating the economic power of criminal organizations. In the opinion of the Italian Government, these strategies should also involve criminal law measures, in particular in the field of sanctions.

"17. Sanctions or measures such as the confiscation of goods are of great importance to the achievement of these goals. Such measures can prevent the hoarding of illegal profits and make a great contribution towards the destabilization of criminal groups by eliminating their resources.

"18. It should be noted that - under specific conditions and always through judicial proceedings - it is possible to confiscate illegal profits even without a verdict of guilty, or to confiscate sums that are definitely higher than those relating to the crime for which judgement has been passed. This possibility should be taken into consideration when discussing the enactment of new regulations relating to confiscation or the modification of existing ones.

"19. As far as police action and criminal proceedings are concerned, it should be pointed out that in proceedings related to organized crime, the investigative aspect and that of the research of evidence present peculiar

characteristics. The importance of three main points related to these topics should be stressed: the increase of 'intelligence'; the introduction and development of investigative methods that will make it possible to 'penetrate' criminal organizations; and investigative methods and provisional measures aimed at preserving illicit profits, thus facilitating their confiscation.

"20. As far as intelligence is concerned, it is clear that organized crime is a phenomenon that needs to be studied and understood more than other less structured crimes. It is crucial to obtain more information on the general organization of the criminal groups, on the types of trafficking on which those groups thrive, on the interrelationships of the various groups, on the means that they commonly use to sustain themselves and on anything else that provides a better view of this very complex combination of activities, people and means.

"21. Specialized investigative units should be created to fulfil the investigative requirements. Measures should also be adopted in order to facilitate the use of means of information-gathering, such as the interception of communications, controlled deliveries, and statements made by cooperating witnesses.

"22. In promoting the use of these means in carrying out research and gathering evidence, it is necessary to keep in mind the fact that the limits of the law must not be exceeded.

"23. In some countries, these means have proved to be of the utmost importance for the successful outcome of investigations.

"24. Still keeping in mind this area of operation, the Conference should also discuss the issue of financial investigations. Under that issue, three main requirements should be emphasized: the development of a technical understanding of financial operations in police departments and among prosecutors (and as far as trials are concerned, even among judges); the need to eliminate obstacles created by the law during investigations in relation to financial institutions; the need to assign an active role to those financial institutions (and, when appropriate, to economic institutions, which are often used in money-laundering) in the first steps of an investigation of suspicious transactions.

"25. It should be noted that the strategy of 'penetrating' criminal organizations, both for intelligence purposes and for those relating to the research and gathering of evidence, strongly depends on the testimony of members of criminal organizations. This should lead to the introduction of measures that can encourage such testimony, provide the cooperating witnesses and their families the necessary protection, through adequate protection programmes, and - within the limits imposed by national laws - provide 'rewards' in the form of penalty reductions for witnesses who are also charged with criminal offences.

"26. One final important issue that should be discussed during the Conference is international cooperation during investigations and proceedings.

"27. The analysis and the considerations of the Conference should be developed along four fronts. Because of the importance of bilateral and multilateral assistance (with particular reference to extradition and

mutual assistance in investigation and research of evidence), the lack of agreements critically hinders the development of effective cooperation.

"28. First, the Conference should take into account this problem and should promote the development of international agreements in the above-mentioned areas. More widespread knowledge of 'model' agreements prepared by the United Nations could help promote the use of such international agreements.

"29. The second front is improving the practical application of existing agreements. This could be achieved by informal agreements and operational instruments - such as the publication and exchange of manuals for a better understanding of national procedures, the creation of 'central national authorities' in charge of interstate affairs and specialized in solving particular problems raised by them; the creation of 'contact points', in the form of public officials, which will facilitate the proceedings thanks to informal communications.

"30. The third front - perhaps the most difficult one - is devising adequate measures for international cooperation that are aimed specifically at fighting organized crime and are more specific than those generally applicable to other crimes. A study of these measures should take into account the above-mentioned structural characteristics of organized crime and could benefit from a comparative study between what is described in the 'models' as opposed to what is contained in treaties and in the other advanced provisions that come under 'specialized' agreements for serious criminal offences, for example, those in United Nations conventions on drug trafficking.

"31. The fourth front is the international exchange of intelligence, also as a preventive measure. Among other things, a study of the most adequate forms of international assistance among 'non-police administrative bodies' could be useful; such bodies would include, for example, the administrative bodies of financial sectors that are competent in such areas as the analysis of financial flows and/or in the investigation of suspicious transactions.

"32. The Conference should be interested in the general problem of researching and passing on information, at an international level, on organized crime and on legislative and organizational regulations set up in individual countries. The role of the United Nations in this matter could be of great importance and the Conference could outline the tasks of the Commission and of the programme in this area. Moreover, this activity of information research could be the foundation for the development of technical cooperation with countries that are in need of such assistance.

"33. For the effectiveness of international cooperation against organized crime, there is also a need to initiate activities involving thorough technical cooperation in which the more developed countries will have to show their strong commitment by investing in the necessary resources.

"34. No action at an international level can achieve positive results if developing countries are not given an opportunity to create and improve an appropriate judicial system and to use proper tools for investigations, evaluations, intervention, interchange, incrimination and the carrying out of penalties.

"35. The awareness of the seriousness of this international challenge can be achieved by the systematic exchange of experiences, by the proper training of police and judicial staff and by the use of effective countermeasures.

"36. This awareness will positively affect the operational and legislative plans that will gradually be carried out in order to fight organized crime at the international level.

"37. This prospect becomes more evident considering that criminal organizations will be inclined to expand their illegal activities in the least developed areas as long as more effective countermeasures are adopted in the most developed countries.

"38. In such a situation, organized crime will concentrate on those countries where the financial and economic sectors show lower resistance to criminal penetration.

"39. It is, therefore, fundamental that all existing technical, bilateral and multilateral activities involving technical cooperation are well focused and that means for coordinating such activities are studied in order to avoid overlapping actions.

"40. A final aspect that should be given serious consideration is proper economic compensation for the victims of organized crime. This compensation should be charged to the person responsible for the crimes committed. Consideration should be given to the creation of a special fund to compensate victims when compensation cannot be charged to the person responsible; such a fund might be partially subsidized by seized capital.

"41. The Commission on Crime Prevention and Criminal Justice at its third session has provided comments to focus attention on the most important issues of the Conference.

"42. In particular, discussions on possible close approximation of national legislation with regard to the incrimination of organized crime and related criminal justice measures should be actively pursued.

"43. As to technical cooperation, the three following areas of intervention appear to be of particular interest:

"(a) Assistance should be provided in drawing up laws in those countries that still do not have a penal system suitable for fighting organized crime;

"(b) Special training courses for all personnel involved in the field should be planned and carried out. Specific training should be provided for police staff, investigating judges and magistrates, and all those persons who provide technical cooperation to investigative organizations;

"(c) Technical assistance should be provided to those high-risk areas through the gathering, analysis and exchange of data on criminal organizations and related activities.

"44. In relation to the question of which instruments are proper for the development of future action, it is believed that bilateral cooperation, especially through agreements between a growing but still limited number of

countries, has highlighted inadequacies in the fight against organized crime. Through new agreements, new judicial measures and instruments could be tested. These could involve the whole international community.

"45. It is the Conference that will identify the action and decisions to be carried out within the programme of work of the Commission. The Economic and Social Council, in its resolution 1993/29, stated that one of the objectives of the Conference would be to consider the feasibility of elaborating international instruments, including conventions, against organized transnational crime.

"46. It is believed that decisions will be taken only when more precise ministerial choices concerning substantial matters become clear. This could create binding instruments, as indicated in resolution 1993/29, or the opportunity to establish different tools from binding legal agreements such as models of technical agreements; manuals for police and judicial cooperation; publications or other communication devices, or even computer controls for storing and updating information on organized crime and on legal and practical countermeasures adopted in different countries."

40. At the 14th meeting, on 6 May, Armenia, 61/ Belarus, 61/ Belgium, 61/ Bulgaria, Canada, 61/ China, Croatia, 61/ Ethiopia, 61/ France, Greece, 61/ Hungary, Israel, 61/ Malta, 61/ Nigeria, the Philippines, Poland, Portugal, 61/ Romania, 61/ Saudi Arabia, 61/ Spain, 61/ Tunisia, Turkey, 61/ Uganda, the United Arab Emirates, 61/ the United States of America and the United Kingdom of Great Britain and Northern Ireland 61/ joined in sponsoring draft resolution E/CN.15/1994/L.4/Rev.1.

41. Also at the 14th meeting, the Vice-Chairman of the Commission, Mr. Ferdinand Mayrhofer-Grünbühel (Austria), introduced a draft resolution (E/CN.15/1994/L.26), submitted on the basis of informal consultations held on draft resolution E/CN.15/1994/L.4/Rev.1.

42. The Commission then adopted draft resolution E/CN.15/1994/L.26 (see chap. I, sect. A, draft resolution I).

43. In the light of the adoption of draft resolution E/CN.15/1994/L.26, draft resolution E/CN.15/1994/L.4/Rev.1 was withdrawn by the sponsors.

The role of criminal law in the protection of the environment

44. At the 9th meeting, on 3 May 1994, the representative of Germany, on behalf of Argentina, 61/ Australia, Canada, 61/ Finland, Germany, the Netherlands, 61/ Poland and the United States of America, introduced a draft resolution (E/CN.15/1994/L.5) entitled "The role of criminal law in the protection of the environment".

45. The draft resolution was subsequently revised and circulated in document E/CN.15/1994/L.5/Rev.1, which read as follows:

61/ In accordance with rule 69 of the rules of procedure of the functional commissions of the Economic and Social Council.

"The Economic and Social Council,

"Recalling General Assembly resolution 45/121 of 14 December 1990, on the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in which the Assembly welcomed the instruments and resolutions adopted by the Eighth Congress, including the resolution on the role of criminal law in the protection of nature and the environment,

"Recalling also General Assembly resolution 46/152, annex, of 18 December 1991, in which the Assembly called for the strengthening of regional and international cooperation in combating transnational crime,

"Recalling its resolution 1993/28 of 27 July 1993 on the role of the criminal law in the protection of the environment, in which it took note of the conclusions, contained in the annex to that resolution, of the Seminar on the Policy of Criminal Law in the Protection of Nature and the Environment in a European Perspective, held at Lauchhammer, Germany, from 25 to 29 April 1992,

"Recalling also its resolution 1993/32 of 27 July 1993 on preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in which the Council approved the provisional agenda for the Ninth Congress, including an item entitled 'Action against national and transnational economic and organized crime, and the role of criminal law in the protection of the environment: national experiences and international cooperation', and endorsed the programme of work for the Ninth Congress, including the holding of six workshops, one of them on the topic 'Environmental protection at the national and international levels: potentials and limits of criminal justice',

"Recalling further the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, in which the World Conference recognized, inter alia, that illicit dumping of toxic and dangerous substances and wastes potentially constituted a serious threat to the human rights to life and health of everyone,

"Taking note of the recommendations of the regional preparatory meetings for the Ninth Congress relating to the protection of the environment through criminal law,

"Noting with appreciation the work on the topic 'Environmental protection at the national and international levels: potentials and limits of criminal justice' being undertaken by the United Nations Interregional Crime and Justice Research Institute, in view of the workshop on the same topic to be held at the Ninth Congress,

"Taking note of the report of the International Law Commission on the work of its forty-third session, in particular the draft Code of Crimes Against the Peace and Security of Mankind, article 26, on wilful and severe damage to the environment, and the draft articles on State responsibility, in particular article 19, on international crimes and international delicts,

"Noting the recommendation of the colloquium of the International Association of Penal Law held at Ottawa, Canada, in November 1992, to be considered for adoption by the fifteenth International Congress on Penal Law, to be held at Rio de Janeiro, Brazil, in 1994,

"Noting with appreciation the work of the Ad Hoc Expert Group on More Effective Forms of International Cooperation against Transnational Crime, including Environmental Crime, held at Vienna from 7 to 10 December 1993,

"Taking note of the report of the International Meeting of Experts on the Use of Criminal Sanctions in the Protection of the Environment, Internationally, Domestically and Regionally, held at Portland, Oregon, United States of America, from 19 to 23 March 1994, in particular the recommendations as to the terms of a possible convention on transnational offences against the environment; the possible draft domestic criminal statute addressing environmental issues; and the recommendations as to a possible structure and operation of a regional enforcement regime,

"Convinced that the environmental situation in developed countries, as well as in developing countries, is the cause of increasingly serious concern about damage to the environment and its constituent elements, including water, soil, air, atmosphere, and the living species, including plants, animals and humans, and that it requires comprehensive and integrated approaches to the use of countermeasures at the national, regional and international levels,

"1. Takes note of the recommendations concerning the role of criminal law in protecting the environment of the Ad Hoc Expert Group on More Effective Forms of International Cooperation against Transnational Crime, including Environmental Crime, held at Vienna from 7 to 10 December 1993, which are contained in the annex to the present resolution;

"2. Requests that the report of the International Meeting of Experts on the Use of Criminal Sanctions in the Protection of the Environment, Internationally, Domestically and Regionally, held at Portland, Oregon, from 19 to 23 March 1994, be published as an official United Nations document and be included in the documentation to be prepared for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

"3. Requests the Secretary-General to take the conclusions of the Seminar on the Policy of Criminal Law in the Protection of Nature and the Environment in a European Perspective, held at Lauchhammer, Germany, from 25 to 29 April 1992, and the recommendations of the Ad Hoc Expert Group and of the Portland Meeting into consideration by developing further activities in the United Nations crime prevention and criminal justice programme;

"4. Requests the United Nations Environment Programme, the Commission on Sustainable Development, the Inter-Agency Committee on Sustainable Development and the United Nations Development Programme in the context of its Capacity 21 programme, to take into account the present resolution in their deliberations concerning environmental protection, and to coordinate any relevant follow-up activities with the Commission on Crime Prevention and Criminal Justice;

"5. Invites Member States and relevant bodies concerned to continue their efforts in protecting nature and the environment by developing laws and fostering legal and technical cooperation and, when developing criminal laws related to the protection of the environment, to consider the recommendations annexed to the present resolution.

"Annex

"Recommendations concerning the role of criminal law in protecting the environment

"Member States should consider adopting the following recommendations concerning the role of criminal law in protecting the environment:

"(a) Specific environmental legislation should be further developed on the basis of generally recognized principles, such as the 'polluter pays' principle described in principle 16 and the 'precautionary principle' described in principle 15 of the Rio Declaration on Environment and Development, adopted by the United Nations Conference on Environment and Development, giving due and balanced consideration to the need to protect the environment in other parts of the law, and in the context of improving political and social conditions for a responsible environmental policy;

"(b) National and supranational authorities should be provided with a wide array of measures, remedies and sanctions, within their constitutional and legal frameworks and consistent with the fundamental principles of criminal law, in order to ensure compliance with environmental protection laws. They should include regulatory and licensing powers, incentives, administrative enforcement mechanisms, and punitive administrative, civil and criminal sanctions for impairing or endangering the environment. They should also include provisions for the forfeiture of profits and proceeds of crime, and of property used or employed in the commission of crime, such as vessels, vehicles, tools, equipment and buildings;

"(c) Environmental criminal law should be aimed at promoting all the important components of the environment, including human beings and other living species. It should be directed, in particular, to the regulation, control and, where necessary, the complete prohibition of hazardous activities, including the establishment and operation of hazardous installations, and the illegal import, export, movement and disposal of hazardous materials and wastes;

"(d) Substantive environmental criminal law should formulate at least certain core criminal offences. These core offences, which could be autonomous and independent of environmental regulatory laws, should include deliberate, reckless or negligent assaults on the environment that cause or create imminent risks of serious damage, harm or injury. In addition, criminal sanctions should be extended to deliberate, reckless or negligent violations of administrative rules where there is a likelihood of serious harm or danger to the environment. In developing such criminal offences, the field guide contained in the annex to the report by the United Nations Interregional Crime and Justice Research Institute and the Australian Institute of Criminology entitled Environmental Crime, Sanctioning Strategies and Sustainable Development (UNICRI 49) should be taken into consideration;

"(e) Subject to relevant international conventions, States should seriously consider enacting legislation prohibiting and sanctioning the export of products that have been banned from domestic use because of their deleterious impact on the environment and human health. Furthermore, Governments might consider the idea of banning the production and import of

specific dangerous materials unless sufficient precautionary measures can be taken in respect of their use, treatment or disposal in their countries;

"(f) Environmental crimes should cover intentional as well as reckless acts. When serious harm or actual danger of harm has been caused or created, however, negligent conduct should also be a crime if the persons responsible have significantly departed from the care and skill expected of them in the pursuit of their activities. In relatively minor cases, the imposition of fines, including administratively or judicially imposed non-criminal fines, and other non-custodial alternatives should be sufficient;

"(g) Support should be given to the extension of the idea of imposing criminal or non-criminal fines or other measures on corporations in jurisdictions in which corporate criminal liability is not currently recognized in the legal systems;

"(h) When using criminal law in environmental protection and creating new environmental crimes, consideration should be given to the need for law enforcement resources. Cooperation and coordination between criminal justice agencies and administrative agencies should be promoted, especially in jurisdictions where prosecutions are undertaken by criminal justice agencies. Furthermore, the judiciary should be sensitized to the seriousness of environmental offences and their consequences. Adequate staffing, special training and equipment should be provided to criminal justice agencies;

"(i) In designing environmental law enforcement strategies, the legislator should consider in the framework of the constitution and the basic principles of the legal system, the rights of identifiable victims, victim assistance, facilitation of redress and monetary compensation, by removing legal barriers such as standing to sue, participation in proceedings and actions by citizens, including class action suits and citizen suits;

"(j) In accordance with the various provisions of Agenda 21, adopted by the United Nations Conference on Environment and Development, such as those contained in chapters 8, 38 and 39 of Agenda 21, collaboration with non-governmental organizations in efforts aimed at the prevention of environmental crimes and the effective redress of damage to health and the environment should be encouraged. Examples of such efforts are the ombudsman-like functions and alternative methods for resolving disputes currently being developed by the Earth Council, a non-governmental organization referred to in chapter 38 of Agenda 21;

"(k) On the basis of proposals put forward by the International Law Commission and the discussions at the United Nations Conference on Environment and Development, Member States should consider acknowledging the most serious forms of environmental crimes in an international convention;

"(l) States should be encouraged to contribute to the codification work of the International Law Commission, in particular in further refining the concept of international crimes and delicts in article 19 of the draft articles on State responsibility and the concept of environmental crimes in article 26 of the draft Code of Crimes against the Peace and Security of Mankind;

"(m) Environmental offences should be framed in such a manner as to cover transboundary and transnational situations. On the one hand, the principle of ubiquity should be taken into consideration in the application of the principle of territoriality. On the other hand, the possibilities of prosecution of crimes of an extraterritorial nature might be extended by applying the principle of nationality, the principle of 'extradite or prosecute' or, for example in cases of generally acknowledged international crimes, even the principle of universality;

"(n) The use of legal instruments of international cooperation, such as those on extradition, mutual legal assistance and/or transfer of proceedings, should be supported and expanded. Environmental crimes of particular gravity or importance should become extraditable offences;

"(o) In order to facilitate the prosecution of international crimes, in particular environmental crimes, States should consider the viability of establishing an international criminal court. Regional initiatives for the establishment of an international court for the prosecution of environmental crimes should be welcomed;

"(p) States should consider, at least at the regional level, a minimum harmonization of environmental offences as a basis for international cooperation. In this respect, efforts to promote such harmonization, such as those of the Council of Europe and the Central American States, should be supported;

"(q) International cooperation in the enforcement of environmental laws should be fostered by the provision of technical assistance bilaterally, multilaterally and through relevant international agencies, such as the Commission on Crime Prevention and Criminal Justice, the network of institutes of the United Nations crime prevention and criminal justice programme, and similar regional institutes. Further research in this area, including the nature and extent of polluting activities, sanctioning strategies and the appropriate mix of measures in particular situations, should be encouraged."

46. At the 13th meeting, on 5 May, Austria, Greece, 61/ Morocco, Sweden 61/ and Turkey 61/ joined in sponsoring draft resolution E/CN.15/1994/L.5/Rev.1.

47. Also at the 13th meeting, the Vice-Chairman of the Commission, Mr. Mayrhofer-Grünbühel (Austria), introduced a draft resolution (E/CN.15/1994/L.19), submitted on the basis of informal consultations held on draft resolution E/CN.15/1994/L.5/Rev.1.

48. The Commission then adopted draft resolution E/CN.15/1994/L.19 (see chap. I, sect. A, draft resolution IV).

49. After the adoption of the draft resolution, the representative of Brazil made a statement.

50. In the light of the adoption of draft resolution E/CN.15/1994/L.19, draft resolution E/CN.15/1994/L.5/Rev.1 was withdrawn by the sponsors.

Control of the proceeds of crime

51. At the 10th meeting, on 3 May 1994, the representative of Italy introduced a draft resolution (E/CN.15/1994/L.6) entitled "Control of the proceeds of crime".

52. The draft resolution was subsequently revised and circulated in document E/CN.15/1994/L.6/Rev.1.

53. At the 13th meeting, on 5 May, the Russian Federation joined in sponsoring the revised draft resolution, which read as follows:

"The Economic and Social Council,

"Alarmed by the scope and growth of proceeds of crime and their impact on national economies,

"Convinced that the international action against organized transnational crime can only be effective if it devotes particular attention to prevention and control of the laundering and use of the proceeds of crime,

"Convinced also that effective prevention and control of the laundering and use of the proceeds of crime requires concerted global action to curb the capacity of criminal organizations to transfer the proceeds of their activities across national frontiers by taking advantage of gaps in international cooperation,

"Convinced further that criminal organizations engage in a multitude of criminal activities generating illicit profits and that international action aimed at controlling the proceeds of crime can therefore only be effective if it takes into account all aspects of the problem,

"Deeply concerned over the ability of organized criminal groups to infiltrate the national economies of countries in transition and to use them for the investment of their illicit proceeds,

"Recalling its resolution 1993/30 of 27 July 1993 and General Assembly resolution 48/103 of 20 December 1993,

"Recalling also the recommendations contained in the Global Programme of Action adopted by the General Assembly at its seventeenth special session, on measures to be taken against the effects of money derived from, used in or intended for use in illicit drug trafficking, illegal financial flows and illegal use of the banking system,

"Welcoming Commission on Narcotic Drugs resolution 5 (XXXVII) of 21 April 1994,

"1. Expresses its appreciation to the Government of Italy and to the International Scientific and Professional Advisory Council for organizing the International Conference on Laundering and Controlling Proceeds of Crime: A Global Approach, held at Courmayeur, Italy, from 17 to 21 June 1994;

"2. Recommends that the World Ministerial Conference on Organized Transnational Crime, to be held at Naples, Italy, from 24 to

26 October 1994, should take into account the conclusions and recommendations of the International Conference;

"3. Notes with appreciation the efforts already undertaken by the United Nations International Drug Control Programme, in cooperation with the Financial Action Task Force established by the heads of State or Government of the Group of Seven major industrialized countries and the President of the Commission of the European Communities, as well as the Council of Europe, the European Economic Community and the Inter-American Drug Abuse Control Commission of the Organization of American States;

"4. Requests the Secretary-General to establish and maintain close cooperation with Member States, intergovernmental organizations, financial institutions and other entities active in the field of controlling the proceeds of crime, including the regular exchange of information, and calls upon those entities to extend their full support to the United Nations crime prevention and criminal justice programme and its relevant activities;

"5. Also requests the Secretary-General to develop, taking into account the work already carried out by Member States and intergovernmental organizations, a set of principles and issues that should be addressed in substantive and procedural legislation on prevention and control of the laundering and use of the proceeds of crime, for incorporation in national penal and procedural codes by Member States wishing to do so;

"6. Further requests the Secretary-General within overall existing resources to organize, or to facilitate the organization of, in coordination with Member States and intergovernmental organizations, regional training seminars, including such seminars for countries in transition, designed to provide criminal justice personnel with the capacity to detect, investigate, prosecute and adjudicate cases involving the laundering and control of the proceeds of crime;

"7. Invites Member States to avail themselves of the advisory services and practical assistance available through the United Nations crime prevention and criminal justice programme;

"8. Requests the Secretary-General, in cooperation with interested Member States, intergovernmental and non-governmental organizations, financial and academic institutions, and individual experts of recognized calibre, to assist Member States in elaborating model curricula and manuals for higher legal education and of designing special courses in academic institutions on various aspects of prevention and control of the laundering and use of the proceeds of crime;

"9. Requests the Commission on Crime Prevention and Criminal Justice to continue its consideration of prevention and control of the laundering and use of the proceeds of crime;

"10. Requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fifth session on international, regional and other initiatives for prevention and control of the laundering and use of the proceeds of crime, including recommendations for further concerted action at the global level, and on the implementation of the present resolution and of Economic and Social Council resolution 1993/30."

54. At the 14th meeting, on 6 May, Armenia, 61/ Belarus, 61/ Bulgaria, Croatia, 61/ Georgia, 61/ Germany, Jordan, 61/ Romania, 61/ Saudi Arabia, 61/ Uganda, the United States of America and Uruguay joined in sponsoring draft resolution E/CN.15/1994/L.6/Rev.1.

55. Also at the 14th meeting, the Vice-Chairman of the Commission, Mr. Mayrhofer-Grünbühel (Austria), introduced a draft resolution (E/CN.15/1994/L.27), submitted on the basis of informal consultations held on draft resolution E/CN.15/1994/L.6/Rev.1.

56. The Commission then adopted draft resolution E/CN.15/1994/L.27 (see chap. I, sect. A, draft resolution II).

57. In the light of the adoption of draft resolution E/CN.15/1994/L.27, draft resolution E/CN.15/1994/L.6/Rev.1 was withdrawn by the sponsors.

Criminal justice action to combat the organized smuggling of illegal migrants across national boundaries

58. At the 11th meeting, on 4 May 1994, the representative of the United States of America, also on behalf of Finland, introduced a draft resolution (E/CN.15/1994/L.8) entitled "Criminal justice action to combat the smuggling of illegal migrants", which read as follows:

"The Economic and Social Council,

"Recalling that the General Assembly, in its resolution 48/102 of 20 December 1993, requested the Commission on Crime Prevention and Criminal Justice, at its third session, to consider giving special attention to the question of alien smuggling in order to encourage international cooperation to address that problem,

"Concerned about the increasing activities of transnational criminal organizations that illicitly profit by smuggling humans and preying on the dignity and lives of migrants,

"Directing attention to crime prevention and criminal justice, in particular to the activities of those who organize and facilitate the smuggling of illegal migrants rather than to the illegal migrants themselves,

"Recognizing that organized international criminal groups are becoming increasingly active in smuggling individuals across national boundaries and that they often convince individuals to migrate illegally by various means for enormous profits that are frequently used to finance numerous other criminal activities, thus bringing great harm to the States concerned,

"Aware that such activities endanger the lives of the individual migrants involved and impose severe costs on the international community, particularly upon certain States that have been called upon to rescue and to provide medical care, food, housing and transportation for such individuals,

"Acknowledging that socio-economic factors influence the problem of illegal migrant smuggling and also contribute to the complexity of present international migration,

"Noting that smugglers, particularly in the State of destination of the illegal migrants being smuggled, often force migrants into forms of debt bondage or servitude, commonly involving criminal activities, in order to pay for their passage,

"Convinced of the need to provide humane treatment and to protect fully the human rights of migrants,

"Recognizing that such illegal smuggling activity has high social and economic costs, contributes to official corruption, and burdens law enforcement agencies in all States where illegal migrants transit or are found,

"Recalling the undertaking of States parties to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, signed at Geneva on 7 September 1956, to take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition of or abandonment of the practice of debt bondage,

"Reaffirming respect for the sovereignty and territorial integrity of all States, including their right to control their own borders,

"Concerned that the smuggling of illegal migrants undermines public confidence in policies and procedures for lawful immigration and for ensuring the protection of genuine refugees,

"Emphasizing that international efforts to prevent the smuggling of illegal migrants should not inhibit legal migration or freedom of travel, or undercut the protection provided by international law to refugees,

"Noting that the smuggling of illegal migrants can involve criminal elements in many States, including the State or States where the smuggling scheme was planned, the State of nationality of the aliens, the State where the means of transport was prepared, the flag State of any vessels or aircraft that transport the aliens, States through which the aliens transit to their destination or in order to be repatriated, and the State of destination,

"Convinced of the need for all States to enact domestic criminal legislation that makes it a criminal offence to engage in the various aspects of smuggling illegal migrants and that attaches severe penalties to such conduct,

"1. Condemns the practice of smuggling illegal migrants in violation of international and national law, and without regard for the safety, well-being and human rights of the migrants;

"2. Recognizes that the smuggling of illegal migrants is a widespread international criminal activity frequently involving highly organized international syndicates that traffic in human cargo, without regard for the dangerous and inhumane conditions to which illegal migrants are subjected, and in flagrant violation of domestic laws and international standards;

"3. Acknowledges the substantial role played by organized transnational crime in illegal migrant smuggling activities in many parts of the world;

"4. Requests States to share information, coordinate immigration and law enforcement activities and otherwise cooperate in order to prevent the illegal transport by smugglers of third-country nationals through their territory;

"5. Reaffirms the need to observe fully international and national law in dealing with the smuggling of illegal migrants, including the provision of humane treatment and strict observance of all human rights of migrants;

"6. Urges States to take prompt and effective steps to frustrate the objectives and activities of the smugglers of illegal migrants, thus protecting would-be migrants from exploitation and loss of life;

"7. Calls upon all States to undertake effective and expeditious measures to combat directly and indirectly all aspects of the vicious organized crime activities that constitute the smuggling of illegal migrants, including all elements of the transport of illegal economic migrants, such as falsification of travel documents, money-laundering, systematic extortion, misuse of international commercial aviation, and maritime transport in violation of international standards;

"8. Suggests, in particular, that all States should enact and vigorously enforce domestic criminal legislation entailing severe penalties for specific conduct constituting organized criminal activities related to the smuggling of illegal migrants, including:

"(a) Organizing or knowingly transporting, or aiding or assisting in transporting, illegal migrants to a State of destination without valid immigration or travel documents;

"(b) Forging, counterfeiting, altering or falsely making immigration or travel documents, or knowingly using such false documents;

"9. Also suggests that all States should enact effective domestic legislation permitting seizure and forfeiture to government authorities of all property, both real and personal, that is used to smuggle illegal migrants, as well as all property, both real and personal, that constitutes, is derived from, or is traceable to proceeds from the smuggling, illegal transport or harbouring of illegal migrants;

"10. Encourages Member States and relevant specialized agencies and intergovernmental organizations to respond promptly to the invitation of the General Assembly contained in its resolution 48/102 to report to the Secretary-General on the measures they have taken to combat alien smuggling in sufficient time for their contributions to be included in his report to the General Assembly at its forty-ninth session;

"11. Decides that the ever-growing problem of organized smuggling of illegal migrants requires the continuing scrutiny of the international community in general and the Commission on Crime Prevention and Criminal Justice in particular, the Commission having considered the problem at its

third session in the context of the broader problem of organized transnational crime."

59. At the 15th meeting, on 6 May, the representative of the United States of America, on behalf of Finland, Germany, Mexico, 61/ the Philippines, Poland, Turkey, 61/ and the United States of America, introduced a revised draft resolution (E/CN.15/1994/L.8/Rev.1) entitled "Criminal justice action to combat the smuggling of illegal migrants across national boundaries", which he further orally revised.

60. At the same meeting, the Commission adopted draft resolution E/CN.15/1994/L.8/Rev.1, as orally revised (see chap. I, sect. A, draft resolution III).

Violence against women and children

61. At the 9th meeting, on 3 May 1994, the representative of Australia, on behalf of Argentina, 61/ Australia, Belgium, 61/ Brazil, Canada, 61/ Colombia, Finland, the Libyan Arab Jamahiriya, 61/ Malta, 61/ the Netherlands, 61/ the Philippines, the Republic of Korea, Spain, 61/ Sweden, 61/ Turkey, 61/ Uganda and the United Kingdom of Great Britain and Northern Ireland, 61/ introduced a draft resolution (E/CN.15/1994/L.11) entitled "Violence against women and children". Subsequently, Austria, Egypt, 61/ Germany, Morocco, Nigeria, Poland, Portugal, 61/ Saudi Arabia 61/ and Tunisia joined in sponsoring the draft resolution.

62. The draft resolution was subsequently revised and circulated in document E/CN.15/1994/L.11/Rev.1. Kuwait 61/ joined in sponsoring the revised draft resolution, which read as follows:

"The Commission on Crime Prevention and Criminal Justice,

"Welcoming the proclamation by the General Assembly, in its resolution 48/104 of 20 December 1993, of the Declaration on the Elimination of Violence against Women,

"Recognizing that the effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the Assembly in its resolution 34/180 of 18 December 1979, annex, will contribute to the elimination of violence against women and that the Declaration on the Elimination of Violence against Women, strengthens and complements this process,

"Concerned that violence against women is an obstacle to the achievement of equality, development and peace, as recognized in the Nairobi Forward-looking Strategies for the Advancement of Women, which recommend a set of measures to combat violence against women, and to the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women,

"Bearing in mind that the Declaration on the Elimination of Violence against Women sets out various forms of physical, sexual and psychological violence against women and provides that States should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to the elimination of violence against women,

"Recalling General Assembly resolution 48/110 of 20 December 1993 on violence against women migrant workers, which urges Member States to ensure that the rights of women migrant workers are protected, in particular against violence,

"Recalling also Economic and Social Council resolution 1993/26 of 27 July 1993, on violence against women in all its forms,

"Recalling further Commission on Human Rights resolution 1993/46 of 8 March 1993, in which the Commission, inter alia, condemned acts of violence and violations of human rights directed specifically against women,

"Recognizing the particular role of the Commission on the Status of Women in promoting equality between women and men,

"Bearing in mind that the protection of human rights is a significant consideration in the criminal justice system as a whole,

"Calling attention to the fact that it is important that perpetrators of domestic violence receive appropriate punishment and that appropriate crime prevention measures be instituted,

"Recalling that the Vienna Declaration and Programme of Action (A/CONF.157/23) affirmed that gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated,

"Recalling also that the Vienna Declaration and Programme of Action states, inter alia, that effective measures are required against female infanticide, harmful child labour, the sale of children and their organs, child prostitution, child pornography and other forms of sexual abuse,

"Recalling further that article 19 of the Convention on the Rights of the Child, adopted by the General Assembly in its resolution 44/25, annex, of 20 November 1989, states that States parties to the Convention should take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence,

"Noting with satisfaction the action taken, under the auspices of the Council of Europe, aimed at setting up an effective instrument to secure the exercise by minors of their rights,

"Looking forward to the Fourth World Conference on Women: Action for Equality, Development and Peace, to be held at Beijing in 1995,

"Alarmed by the marked increase in acts of sexual violence directed notably against women and children, as expressed in the Final Declaration of the International Conference for the Protection of War Victims, held at Geneva from 30 August to 1 September 1993, and reiterating that such acts constitute grave breaches of international humanitarian law,

"Noting the Workshop on Domestic Violence Issues in Central and Eastern European Countries, held at Budapest from 8 to 9 April 1994, organized jointly by the European Institute for Crime Prevention and

Control, affiliated with the United Nations, and the Hungarian Ministry of Justice,

"Recognizing the work being done by non-governmental organizations in eliminating violence against women and children, in drawing attention to the nature, severity and magnitude of violence against women and children and in assisting women and children who are victims of violence,

"1. Calls in accordance with the Declaration on the Elimination of Violence against Women and with the Convention on the Rights of the Child and the United Nations Guidelines for the Prevention of Juvenile Delinquency adopted by the General Assembly in resolution 45/112, annex, of 14 December 1990, for the elimination of violence against women and children in the family, within the general community and where perpetrated or condoned by the State and emphasizes the duty of Governments to refrain from engaging in violence against women and children and to exercise due diligence to prevent, investigate and, in accordance with national legislation, to punish acts of violence against women and children, whether those acts are perpetrated by the State or by private persons, and to provide access to just and effective remedies and specialized assistance to victims;

"2. Calls upon all Governments, as well as intergovernmental bodies and non-governmental organizations, to take all possible steps to eliminate violence against women in accordance with the Declaration on the Elimination of Violence against Women and to take all possible steps to eliminate violence against children in accordance with the Convention on the Rights of the Child and to disseminate information on these instruments and to promote their understanding;

"3. Urges Member States that are not already parties to the Convention on the Elimination of All Forms of Violence against Women and to the Convention on the Rights of the Child to become parties to those instruments and encourages Member States that are parties to those instruments to re-examine their reservations to those instruments;

"4. Urges Governments, in accordance with their constitutional and legislative systems, to take appropriate action to discourage, in their educational systems and in the mass media, the perpetuation of stereotypes of women and children that may contribute to violence against women and children;

"5. Expresses its appreciation of the decisions of the Commission on Human Rights to appoint, at its forty-sixth session, a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography (resolution 1990/68 of 7 March 1990) and, at its fiftieth session, to appoint a Special Rapporteur on Violence against Women (Commission on Human Rights resolution 1994/45);

"6. Requests all Governments to cooperate with and assist the special rapporteurs in the performance of their tasks and duties and to furnish all relevant information requested;

"7. Invites the special rapporteurs to cooperate closely with the Commission on Crime Prevention and Criminal Justice in the discharge of its functions and to attend the fourth session of the Commission;

"8. Urges the Secretary-General to give publicity to the work of the special rapporteurs and to disseminate their findings and conclusions widely including bringing them to the attention of this Commission to assist in its work in the area of violence against women and children;

"9. Encourages the strengthening of cooperation and coordination between the Commission on Crime Prevention and Criminal Justice, Commission on Human Rights, Commission on the Status of Women, Committee on the Elimination of Discrimination against Women, Committee on the Rights of the Child and other treaty bodies, the United Nations Development Fund for Women, United Nations Children's Fund, United Nations Development Programme and other United Nations agencies;

"10. Requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fourth session on the activities of the United Nations bodies and institutions with regard to the issue of violence against women and children;

"11. Notes with appreciation the offer of the Government of Canada to translate into French the publication entitled 'Strategies for confronting domestic violence: a resource manual', which was prepared in collaboration with the Government of Canada, the Crime Prevention and Criminal Justice Branch of the United Nations Office at Vienna and the European Institute for Crime Prevention and Control, affiliated with the United Nations, and published in English with the help of the European Institute, and requests the Secretary-General to publish it as soon as possible in the other official languages of the United Nations, subject to the availability of regular budgetary or extrabudgetary funds;

"12. Requests the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to consider, as separate items, the issues of violence against women and violence against children within the discussions under topic 4 and in the context of the Workshop on the Prevention of Violent Crime and to propose recommendations to the Commission in respect of legislation, procedures, policies, practices, and technical cooperation and assistance, as well as social services, education and information on this issue;

"[13. Decides to continue its consideration of the question at its fourth session by convening an in-sessional working group to examine, as separate items, the issues of violence against women and violence against children in their crime prevention and criminal justice aspects and, more particularly, specific measures which can be taken in this respect, in the light of the international instruments referred to above and the recommendations of the Ninth Congress;]

"14. Invites the United Nations interregional, regional and affiliated institutes to undertake activities on issues relating to violence against women and children and to submit a report to the Commission on Crime Prevention and Criminal Justice at its fifth session on practical measures that could be taken in the field of crime prevention and criminal justice to combat violence against women and children."

63. At the 14th meeting, on 6 May, the Commission had before it draft resolution E/CN.15/1994/L.11/Rev.2, submitted by the sponsors of E/CN.15/1994/L.11/Rev.1, now joined by Angola, 61/ Bolivia and Croatia. 61/

64. At the same meeting, the Vice-Chairman of the Commission, Mr. Mayrhofer-Grünbühel (Austria), read out a further revision to the revised draft resolution, which had been agreed upon among informal consultations.

65. Ethiopia, 61/ Georgia, 61/ Hungary, Italy, Lebanon, United Arab Emirates 61/ and Uruguay joined in sponsoring the revised draft resolution, as orally revised.

66. The Commission then adopted draft resolution E/CN.15/1994/L.11/Rev.2, as orally revised (see chap. I, sect. C, Commission resolution 3/1).

International traffic in minors

67. At the 11th meeting, on 4 May 1994, the observer for Argentina, on behalf of Argentina, 61/ Brazil, Italy, Paraguay, Spain 61/ and Tunisia, introduced a draft resolution (E/CN.15/1994/L.12), entitled "International traffic in minors (illicit traffic in children)", which he orally revised. Subsequently, Bolivia joined in sponsoring the draft resolution, as orally revised, which read as follows:

"The Commission on Crime Prevention and Criminal Justice,

"Bearing in mind that international traffic in minors (illicit traffic in children) is one crime that is a growing preoccupation of the world community,

"Convinced of the need to provide for the criminal punishment of this form of criminal activity, which is degrading to the individual, not only because it involves illicit practices or exploitation, but also because it involves treating human beings as merchandise,

"Mindful that minors, and in particular newborn babies, constitute the age group that is the most vulnerable to such activity,

"Aware that such activity is necessarily carried out by organizations that have transnational connections, principally in developing countries,

"Noting that the international community is directing its efforts towards combating criminal organizations by coordinating global activities such as the convening of the World Ministerial Conference on Organized Transnational Crime, to be held at Naples, Italy, from 24 to 26 October 1994,

"Noting also that in some regions specific measures have been taken, such as the adoption of the Inter-American Convention on International Trafficking of Minors by the fifth Inter-American Specialized Conference on Private International Law, held in Mexico in March 1994 in the context of the Organization of American States,

"Convinced that it is essential to make the criminal punishment of such crimes universal and to promote cooperation between States to deal with them,

"Bearing in mind the provisions of the Convention on the Rights of the Child, adopted by the General Assembly in its resolution 44/25 of 20 November 1989, particularly article 11 thereof, in which it is stated

that States parties to the Convention should take measures to combat the illicit transfer and non-return of children abroad and, to that end, should promote the conclusion of multilateral or bilateral agreements,

"Recalling that the General Assembly, in its resolution 44/82 of 8 December 1989, proclaimed 1994 as International Year of the Family and that international traffic in minors (illicit traffic in children) undermines and destabilizes the family, the basic element of the social structure,

"Recalling also the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children, held in New York on 29 and 30 September 1990,

"1. Takes note of the Inter-American Convention on International Trafficking of Minors, adopted at the Fifth Inter-American Conference on Private International Law, held at Mexico City in March 1994, with the objective of, among other things, preventing and punishing international traffic in minors;

"2. Decides that the international traffic in minors (illicit traffic in children) should be given priority by the Commission at its fourth session, as it considers the priority item of organized transnational crime;

"3. Requests the Economic and Social Council, at its 1994 session, to consider practical proposals to improve the coordination of efforts being made to deal with this matter by the various organs, specialized agencies and other entities of the United Nations system, including the United Nations Children's Fund and the Commission on Human Rights, and by other interested organs and commissions;

"4. Requests the Secretary-General to prepare a report on the world situation with regard to international traffic in minors (illicit traffic in children) using information available to the United Nations system, for submission to the Commission on Crime Prevention and Criminal Justice at its fourth session;

"5. Decides that the matter of international traffic in minors (illicit traffic in children) should be given priority consideration by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, under items 2 and 4 of its provisional agenda;

"6. Recommends that international traffic in minors (illicit traffic in children) should receive attention at the plenary meetings of the General Assembly dealing with the International Year of the Family with regard to the implementation of the relevant standards and procedures."

68. At the 13th meeting, on 5 May, Angola, 61/ Canada, 61/ Chile, 61/ Croatia, 61/ Egypt, 61/ Germany, Lebanon, 61/ Nigeria, the Philippines and Saudi Arabia 61/ joined in sponsoring the draft resolution, as orally revised.

69. Also at the 13th meeting, the Vice-Chairman of the Commission, Mr. Mayrhofer-Grünbühel (Austria), introduced a draft resolution (E/CN.15/1994/L.22) entitled "International traffic of minors", submitted on the

basis of informal consultations held on draft resolution E/CN.15/1994/L.12, as orally revised.

70. Also at the same meeting, the representative of Cuba made a statement.

71. At the same meeting, the representative of Finland proposed an amendment to draft resolution E/CN.15/1994/L.22, by which operative paragraph 4 would be replaced by a new paragraph, reading:

> "Requests the Secretary-General, in cooperation with the interregional and regional affiliated and associated institutes to explore the possibilities of preparing a report on the world situation with regard to international traffic of minors, using information available to the United Nations system, and report thereon to the Commission at its fourth session."

72. Following statements by the representatives of Uruguay, Brazil, Bolivia, Finland, France, the United States of America and Germany and the observers for Argentina, Spain and Canada, as well as by the Vice-Chairman of the Commission, Mr. Mayrhofer-Grünbühel (Austria), the amendment proposed by Finland was rejected.

73. At the 15th meeting, on 6 May, following a statement by the representative of France, the Commission agreed to delete the square brackets around the word "priority" in operative paragraph 5.

74. The Commission then adopted draft resolution E/CN.15/1994/L.22, as amended (see chap. I sect. C, Commission resolution 3/2).

75. In the light of the adoption of draft resolution E/CN.15/1994/L.22, draft resolution E/CN.15/1994/L.12 was withdrawn by the sponsors.

Chapter III

IMPLEMENTATION OF ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1992/22 AND 1993/31 AND TECHNICAL COOPERATION

1. The Commission considered item 4 of its agenda jointly with item 5 at its 4th, 6th, 10th, 13th and 14th meetings, on 27 and 28 April and 3, 5 and 6 May 1994. It had before it the report of the Secretary-General on progress made in the implementation of Economic and Social Council resolutions 1992/22 and 1993/31 (E/1994/13) and the report of the Secretary-General on technical cooperation and advisory services of the United Nations crime prevention and criminal justice programme, including appropriate mechanisms for the mobilization of resources (E/CN.15/1994/6).

2. In introducing the items, the Chief of the Crime Prevention and Criminal Justice Branch noted that the Secretary-General, in his report on progress made in the implementation of Council resolutions 1992/22 and 1993/31 (E/1994/13), had briefly summarized the measures taken to follow up the relevant recommendations of the Commission at its first and second sessions, complementing other reports on specific issues that were also before the Commission. Under section 20 (Regular programme of technical cooperation) of the proposed programme budget for the biennium 1994-1995 (A/48/6 (Sect. 20)), provision had been made for a second post for an interregional adviser and for increased resources for technical cooperation activities. Under section 13 (Crime control) (A/48/6 (Sect. 13)), the proposed programme budget also provided for the retention of three posts at the Professional level that had been temporarily redeployed to the Branch in 1992, in order to reinforce the institutional capacity of the programme, as well as for funds for preparations for the Ninth Congress.

3. Regarding operational activities, serious efforts had been made to meet the requests made by the Commission and individual Governments for a major reorientation of the United Nations crime prevention and criminal justice programme, notwithstanding the limited resources available. Technical cooperation involved activities far more cost-intensive than other areas. The report of the Secretary-General on technical cooperation and advisory services of the programme (E/CN.15/1994/6) offered an overview of such activities. Additional information on individual projects had been provided in a conference room paper (E/CN.15/1994/CRP.9). In collaboration with relevant United Nations entities and institutes, intergovernmental and non-governmental organizations and several Governments, the Branch had organized or contributed to 4 projects and 16 international meetings and conferences, had participated in 9 training courses and seminars and had prepared 20 sets of recommendations, manuals and other training materials. However, to further increase the effectiveness of the programme and to make it fully operational, the active involvement of Member States was of considerable importance because projects carried out so far, including those related to peace-keeping activities, had shown encouraging results.

4. Many participants agreed that little had been done to respond to the numerous requests of the General Assembly and the Economic and Social Council related to strengthening the programme, and expressed concern about the delay in the implementation of the relevant resolutions. The Branch could only function effectively if it was provided with a minimum of resources commensurate with the fulfilment of its mandates. Many participants requested, as a matter of

urgency, the upgrading of the Branch into a division and the establishment of a D-2 post.

5. At the same time, it was noted that it would be unrealistic to think that the regular budget of the United Nations could adequately support all the operations of the programme, and a call was made for donor Governments to be more generous in making voluntary contributions. The United Nations International Drug Control Programme (UNDCP) was cited as an example of a United Nations entity whose operations were mostly financed by voluntary contributions. Several speakers indicated that their Governments intended to strengthen the operational capacity of the United Nations crime prevention and criminal justice programme by contributing to the United Nations Crime Prevention and Criminal Justice Fund or by other means, such as providing experts. For example, one Government was considering donating funds towards the establishment of a database for technical cooperation projects in central and eastern Europe, another was ready to contribute to the programme by funding an associate expert post, and another was considering making a contribution to the computerized communications activities of the Branch, including the development of the United Nations Criminal Justice Information Network.

6. All those who spoke on the subject underlined the fact that technical assistance was one of the main objectives of the United Nations in that field, aimed at increasing the capacity of Member States to prevent or curtail the impact of crime. It had become apparent that technical assistance in crime prevention and criminal justice was one of the areas contributing to the foundations of good governance and sustainable development. In line with the priorities of the Commission, it should therefore continue to be the keystone of the programme. To advance the programme further and make it more operational, there was a need to mobilize the political will of Member States through the Commission. Member States should play a more active role in other United Nations bodies in following up the recommendations of the Commission. It was also emphasized that technical assistance should be made an integral part of development efforts in general. In that context, the decision of the Commission on Human Rights to appoint a Special Rapporteur on Violence against Women was mentioned. All relevant recommendations of the third session of the Commission on Crime Prevention and Criminal Justice should be communicated to the Special Rapporteur.

7. Modalities of technical assistance included the training of criminal justice personnel, the preparation of training materials, the development and implementation of technical cooperation projects and the provision of assistance within the framework of the United Nations peace-keeping operations. Some speakers suggested that technical cooperation activities should focus on organized crime, corruption, drug trafficking, money-laundering and urban crime. In addition, other matters such as the prevention of crime, the treatment of offenders and the role of victims should be given proper attention. The need for technical cooperation activities in the areas of violence against women, environmental and computer-related crime and the protection of tourism was also mentioned. The practice of stationing liaison police officers in States upon request was reported. The tasks of such officers were to provide information, to give advice when requested to do so and to provide assistance to the local police in organizational and training matters.

8. Several speakers stressed that the modes of implementation should reflect the level of development, social and cultural and regional characteristics and the level of resources available locally. Requests from developing countries and model projects should be given special attention. Other speakers emphasized

the importance of regional cooperation involving countries with similar cultural backgrounds, including the ratification of regional conventions, participation in international meetings and the exchange of information.

9. A number of speakers welcomed the efforts made by the Secretariat to lay down the foundations of technical cooperation. Because of the financial problems faced by the United Nations and by Member States, including developed countries, more cost-effective forms of technical cooperation had to be devised. In-kind contributions, such as the elaboration of manuals for practitioners on specific issues, were of great relevance. Several speakers also referred to the support provided by regional or specialized institutes, which had a high level of expertise in specific fields. Others mentioned cooperation with non-governmental organizations and bilateral arrangements for providing expertise and training. The possibility of exploring the involvement of the private sector was also suggested.

10. It was stated that Governments should stop thinking of technical assistance as a purely humanitarian gesture to countries in need. Technical cooperation could lead, in the long term, to economic improvement, respect for human rights and the rule of law, better and more democratic forms of government and increased social stability. The view was expressed that what was mostly needed in technical assistance was a change of attitude. Examples were cited in which funding agencies, even if they had considered the matter, had neither requested any input from the United Nations nor made any effort to coordinate assistance with the United Nations crime prevention and criminal justice programme and with the institutes of the programme network. Therefore, technical assistance should be enhanced through better cooperation between the various entities involved, particularly development and funding agencies, in order to avoid a situation in which identical requests were made to potential donors, which sometimes provided assistance to identical sectors, while other sectors were almost ignored.

11. The United Nations crime prevention and criminal justice programme was said to provide an appropriate framework for global coordination. Several meetings on international cooperation and coordination of activities in central and eastern Europe, organized by the European Institute for Crime Prevention and Control, affiliated with the United Nations, together with the Crime Prevention and Criminal Justice Branch, had greatly contributed to those endeavours. The meetings had also provided an opportunity to present the locally prevailing conditions of the countries concerned, which had to be fully taken into account when elaborating new projects. While developing countries should integrate crime prevention and criminal justice matters into their development plans, funding agencies and donor countries should provide more funds for crime prevention activities, on the understanding that the main objective of technical assistance was to provide requesting States with the capacity to build and maintain their infrastructure.

12. The specialized agencies and other entities of the United Nations system, in particular UNDCP, the United Nations Development Programme and the World Bank, should consider incorporating into their activities crime prevention and criminal justice elements, including the establishment and maintenance of efficient and fair criminal justice systems, as an essential part of developmental efforts, and should utilize the expertise of the Branch in formulating and implementing such activities. It was suggested that appropriate support and training should be provided to staff in the Branch, in order to enhance the operational capacity of the United Nations crime prevention and criminal justice programme; for example, UNDCP might wish to consider assisting

in that endeavour, as well as in designing and executing projects in areas of mutual concern.

13. Appreciation was expressed for the work of the Ad Hoc Expert Group on Implementing Legislation to Foster Reliance on Model Treaties, which had met at Vienna from 18 to 21 October 1993 (E/CN.15/1994/4/Add.1). It was proposed that for crimes not dealt with by existing United Nations standards and norms, general guidelines should be prepared, such as in the case of the protection of the environment, the control of corruption and illegal banking operations.

14. Several speakers welcomed a proposal to provide assistance to the United Nations crime prevention and criminal justice programme in setting up a database on technical assistance projects. The database would contain information on requests for technical assistance and on ongoing or envisaged technical assistance projects. The information would not be limited to technical assistance provided within the United Nations system, but would also include bilateral and multilateral technical assistance projects. That would allow donors and requesting Governments to form strategic alliances and would help to avoid duplication. It was suggested that the database should begin by collecting information on technical assistance in central and eastern Europe. One delegation had already provided the Secretariat with information on projects that had been carried out over the previous three years. A project for providing assistance in the introduction of jury trial and other fundamentally new provisions of procedural and judicial legislation in a country in transition was discussed. It was pointed out, however, that such important initiatives should be carried out on a larger scale and in other countries.

15. A number of speakers stressed the importance of the contributions made by the United Nations crime prevention and criminal justice programme to special missions of the United Nations, such as United Nations peace-keeping and peace-making operations. There was a need for uniform standards and norms in the training of the diverse elements of international peace-keeping personnel. Police officers from different countries who were charged with applying United Nations standards and norms had to have a thorough, common understanding of how to apply them. The programme had already made considerable efforts in that respect. Reference was made to the United Nations involvement in Cambodia and in Somalia, as well as in the former republics of Yugoslavia. A number of speakers welcomed the development of manuals, codes and training materials and the organization of training seminars on the role of civilian police in United Nations peace-keeping operations. Some representatives expressed their appreciation for the publication of a handbook prepared by the Branch on United Nations criminal justice standards for peace-keeping police. While, in the long run, it would be worthwhile to have a convention to protect United Nations peace-keeping staff and related personnel, it was recommended that the United Nations crime prevention and criminal justice programme should continue its activities in that area, as they contributed considerably to institution-building and to the strengthening of the rule of law, and that the required funding should be included in the overall budget of the operation concerned.

16. The work of the institutes of the United Nations crime prevention and criminal justice programme was welcomed as an extremely valuable input to the programme. Observers for the institutes of the programme highlighted their work, which was described in detail in the report of the Secretary-General on the activities of the United Nations Interregional Crime and Justice Research Institute and other institutes (E/CN.15/1994/10 and Corr.1), with particular reference to their efforts and achievements in technical assistance.

ACTION TAKEN BY THE COMMISSION

Information management functions of the United Nations crime prevention and criminal justice programme

17. At the 10th meeting, on 3 May 1994, the representative of Austria introduced a draft resolution (E/CN.15/1994/L.7) entitled "Clearing house functions of the United Nations crime prevention and criminal justice programme", which read as follows:

"The Commission on Crime Prevention and Criminal Justice,

"Recalling General Assembly resolution 46/152 of 18 December 1991, in which the Assembly decided that the United Nations crime prevention and criminal justice programme should provide States with practical assistance, such as data collection, information and experience sharing, and training, to achieve the goals of preventing crime within and among States and of improving the response to crime,

"Recalling in this context General Assembly resolution 45/109 of 14 December 1990 on the computerization of criminal justice, and that computerization of criminal justice information is a means of improving clearing-house functions in criminal justice systems at the national and international levels,

"Recalling further Economic and Social Council resolutions 1992/22 of 30 July 1992 and 1993/34, section IV.C, of 27 July 1993, which emphasized the need to strengthen the existing clearing-house facilities of the United Nations crime prevention and criminal justice programme, in relation to crime prevention and criminal justice issues, and to develop the capacity to match the needs for training with the opportunities available to meet them,

"Recalling also Economic and Social Council resolution 1993/34, section IV.C, whereby the Secretary-General was requested to report to the Commission on the progress made in the improvement of computerization in criminal justice management, with emphasis on strengthening national capacities for the collection, collation, analysis and utilization of data,

"1. Takes note of the reports of the Secretary-General on the process of work on the periodical surveys of crime trends (E/CN.15/1994/2), and on improvement of computerization of criminal justice management (E/CN.15/1994/3);

"2. Expresses deep concern over the resource implications on the Branch in the light of the transfer of functions of the United Nations Criminal Justice Information Network, from the School of Criminal Justice of the State University of New York to the United Nations Office at Vienna;

"3. Recommends changing the name of the United Nations Criminal Justice Information Network to the United Nations Crime and Justice Information Network;

"4. Urges Member States to join and support the Network, both financially and logistically, as a viable instrument to promote and enhance the dissemination and exchange of information and the transfer of knowledge;

"5. Calls on Member States to invite criminal justice agencies to join the Network with a view to providing it with information which may be shared easily with other countries;

"6. Also calls on Member States to provide promptly and accurately the statistical information to biennial United Nations crime trends surveys, with a view to enhancing the quality and timeliness of analyses and publications;

"7. Calls further on Member States, interregional and non-governmental organizations, and the private sector to assist the Secretary-General in establishing an ad hoc working group on computerization of criminal justice information with a view to advising him in developing computerization projects dealing with training and funding, as well as the evaluation of such projects;

"8. Requests Member States to give serious consideration to strengthening the clearing-house functions of the United Nations crime prevention and criminal justice programme and to provide technical and financial assistance to the development of related projects, either through the United Nations Crime Prevention and Criminal Justice Fund and/or through secondment of staff to support the clearing-house functions, or other appropriate means;

"9. Requests the Secretary-General to submit an interim report on the Fourth United Nations Survey on Crime Trends, Operations of Criminal Justice Systems and Crime Prevention Strategies to the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

"10. Further requests the Secretary-General to consider strengthening the servicing of the clearing-house projects, including the United Nations surveys on crime trends, operations of criminal justice systems and crime prevention strategies, by allocating staff and other resources commensurate with the intensification of work on those projects, and to submit a statement to the Commission at its fourth session on the financial implications involved in improving the undertaking of such projects;

"11. Encourages the United Nations Interregional Crime and Justice Research Institute and regional affiliate and associate institutes of the United Nations crime prevention and criminal justice programme to intensify their work in the training of criminal justice statisticians in the framework of periodical United Nations crime trends projects;

"12. Further encourages those regional and other institutes to consider including in their draft programme budgets appropriate provisions in order to enable regular issuance of regional crime-trend reports on the basis of the results of biennial United Nations crime trends surveys."

18. At the 13th meeting, on 5 May, the representative of Austria introduced a revised draft resolution (E/CN.15/1994/L.7/Rev.1) entitled "Information management functions of the United Nations crime prevention and criminal justice programme". Subsequently, Bolivia, Croatia, 61/ Egypt, 61/ Finland, Israel 61/ and the Netherlands 61/ joined in sponsoring the revised draft resolution.

19. At the same meeting, the Commission adopted the revised draft resolution (see chap. I, sect. C, Commission resolution 3/3).

Strengthening the United Nations crime prevention and criminal justice programme

20. At the 10th meeting, on 3 May 1994, the representative of Austria, also on behalf of Germany, the Islamic Republic of Iran, Italy and Turkey, 61/ introduced a draft resolution (E/CN.15/1994/L.9) entitled "Strengthening of the United Nations crime prevention and criminal justice programme", which he orally revised. Subsequently, Tunisia joined in sponsoring the draft resolution, as orally revised, which read as follows:

"The Economic and Social Council,

"Recalling relevant resolutions of the General Assembly as well as its own decisions, which accorded a high level of priority to the activities of the United Nations crime prevention and criminal justice programme and requested an appropriate share of the overall resources of the United Nations for the programme;

"Recalling also General Assembly resolutions 47/91 of 16 December 1992 and 48/103 of 20 December 1993, in which it requested the Secretary-General to strengthen the crime prevention and criminal justice programme and to upgrade, as a matter of urgency, the Crime Prevention and Criminal Justice Branch of the Secretariat into a Division;

"Recalling further its resolution 1993/34 of 27 July 1993, in which it requested the Secretary-General to strengthen the institutional capacity of the programme to enable it to elaborate, execute and evaluate operational activities and advisory services in its area of competence upon request from Member States;

"Convinced that the Crime Prevention and Criminal Justice Branch can only be effective if it is provided with resources commensurate to its requirements and adequate to allow it to implement its mandates and to respond in a timely and efficient manner to the increasing requests of Member States for its services;

"Deeply concerned about the delay in the implementation of General Assembly resolutions 46/152 of 18 December 1991, 47/91 of 16 December 1992, 48/103 of 20 December 1993 and its own resolutions 1992/22 of 30 July 1992, 1993/31 and 1993/34 of 27 July 1993, with respect to the strengthening of the United Nations crime prevention and criminal justice programme and the upgrading of the Crime Prevention and Criminal Justice Branch into a Division;

"Taking note of the report of the Secretary-General on the progress made in the implementation of Economic and Social Council resolutions 1992/22 and 1993/31 (E/1994/13);

"1. Reaffirms the priority attached to the United Nations crime prevention and criminal justice programme, in accordance with General Assembly resolutions 46/152 and 47/91, and the need for the General Assembly to devote an appropriate share of the existing resources of the United Nations to the programme;

"2. Reiterates its request to the Secretary-General, as a matter of urgency, to give effect to General Assembly resolutions 46/152, 47/91, 48/103 and to its resolutions 1992/22 and 1993/31 by strengthening the

Crime Prevention and Criminal Justice Branch, by providing it with the resources required for the full implementation of its mandates and by establishing one D-2 post for the United Nations crime prevention and criminal justice programme, if necessary by redeploying overall existing resources, and recommends to the General Assembly to keep under active review the staffing of the programme;

"3. Requests the Secretary-General to provide adequate funds to build and maintain the institutional capacity of the United Nations crime prevention and criminal justice programme to respond to requests of Member States for assistance in the field of crime prevention and criminal justice, if necessary through the reallocation of resources;

"4. Calls on Member States to contribute to the United Nations Crime Prevention and Criminal Justice Fund in order to enable the Crime Prevention and Criminal Justice Branch to provide technical assistance as requested by Member States;

"5. Requests the Secretary-General to give consistent consideration to the importance of crime prevention and criminal justice activities in the context of peace-keeping operations, and humanitarian assistance in armed conflicts;

"6. Calls upon the international financial institutions, the United Nations specialized agencies and programmes, in particular, the United Nations Development Programme, the United Nations International Drug Control Programme and the United Nations Environment Programme, within the context of their mandates, to give appropriate consideration to the inclusion in their programme activities of crime prevention and criminal justice issues, including the establishment and maintenance of efficient criminal justice systems, as an essential component of all developmental efforts, and to utilize the expertise of the Crime Prevention and Criminal Justice Branch in the implementation of such activities;

"7. Requests the Secretary-General to provide, within existing overall resources, support and training for the enhancement of the operational capacity of the United Nations crime prevention and criminal justice programme;

"8. Requests the United Nations International Drug Control Programme to give favourable consideration to assisting the Crime Prevention and Criminal Justice Branch in the formulation and execution of technical assistance projects in areas of mutual concerns;

"9. Requests the Secretary-General to take appropriate action so that the function of the Secretary of the Commission be exercised as of its fourth session by the substantive secretariat in Vienna;

"10. Requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fourth session on the implementation of the present resolution."

21. At the 14th meeting, on 6 May, the representative of Italy made a statement.

22. At the same meeting, Argentina, 61/ Bolivia, Egypt, 61/ France, Israel, 61/ the Philippines, Portugal, 61/ Saudi Arabia, 61/ Spain 61/ and Uganda joined in sponsoring draft resolution E/CN.15/1994/L.9, as orally revised.

23. Also at the same meeting, the Vice-Chairman of the Commission, Mr. Mayrhofer-Grünbühel (Austria), introduced a draft resolution (E/CN.15/1994/L.18), submitted on the basis of informal consultations held on draft resolution E/CN.15/1994/L.9, as orally revised.

24. The Chief of Financial Services, Division of Administrative and Common Services of the United Nations Office at Vienna, made a statement on the programme budget implications of draft resolution E/CN.15/1994/L.18.

25. Statements were made by the representatives of Cuba and France and the observers for Argentina and Turkey.

26. A statement was made by the Chief of Financial Services, Division of Administrative and Common Services of the United Nations Office at Vienna, in response to questions raised.

27. The Vice-Chairman of the Commission, Mr. Mayrhofer-Grünbühel (Austria), orally revised operative paragraph 11 of draft resolution E/CN.15/1994/L.18, which read:

> "Requests the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fourth session on the implementation of the present resolution",

by replacing it with the following text:

> "Requests the Secretary-General to ensure implementation of the present resolution in the context of his first performance report of the programme budget for the biennium 1994-1995, if necessary through the use of the contingency fund, and to report thereon to the Commission on Crime Prevention and Criminal Justice at its fourth session".

28. Statements were made by the representatives of Italy, the United States of America and Bolivia and the observers for Turkey and the Netherlands.

29. The Chairman made a statement.

30. The Chief of Financial Services, Division of Administrative and Common Services of the United Nations Office at Vienna, also made a statement.

31. The representative of Uruguay proposed an amendment to the Vice-Chairman's oral revision, whereby the words "if necessary, through the use of the contingency fund" would be replaced by the words "if absolutely necessary, through the use of the contingency fund in cases of emergency".

32. Following a statement by the representative of Germany, the Vice-Chairman of the Commission, Mr. Mayrhofer-Grünbühel (Austria), further revised operative paragraph 11 by replacing the words "if necessary, through the use of the contingency fund" with the words "if necessary and, as appropriate, through the use of the contingency fund".

33. The Commission then adopted draft resolution E/CN.15/1994/L.18, as further orally revised by the Vice-Chairman (see chap. I, sect. A, draft resolution V).

34. In the light of the adoption of draft resolution E/CN.15/1994/L.18, draft resolution E/CN.15/1994/L.9, as orally revised, was withdrawn by its sponsors.

Chapter IV

UNITED NATIONS STANDARDS AND NORMS IN THE FIELD OF CRIME PREVENTION AND CRIMINAL JUSTICE

1. The Commission considered item 6 of its agenda at its 5th, 7th, 11th, 13th and 15th meetings, on 28 and 29 April and 4 to 6 May 1994. It had before it the following documents:

(a) Report of the Secretary-General on United Nations standards and norms in the field of crime prevention and criminal justice (E/CN.15/1994/7);

(b) Statement submitted by the following non-governmental organizations in consultative status with the Economic and Social Council: International Council for Adult Education (ICAE), International Council of Women and Zonta International (category I); All-India Women's Conference, Caritas Internationalis (International Confederation of Catholic Charities), Defense for Children International Movement, Howard League for Penal Reform, International Abolitionist Federation, International Association of Juvenile and Family Court Magistrates, The International Association of Lions Clubs - Lions Club International, International Centre of Sociological Penal and Penitentiary Research and Studies, International Federation of University Women, Italian Center of Solidarity, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students), Penal Reform International, Prison Fellowship International (PFI), The Salvation Army and World Leisure and Recreation Association (category II); and International Association of Residential and Community Alternatives (Roster) (E/CN.15/1994/NGO/2);

(c) Statement submitted by Human Rights Watch, a non-governmental organization in consultative status with the Economic and Social Council, category II (E/CN.15/1994/NGO/7).

2. In introducing the item, the Chief of the Crime Prevention and Criminal Justice Branch reviewed the work of the Branch in that area in the preceding year. He drew particular attention to such activities as training seminars and the drafting and translation of manuals for police and court personnel. He stated that the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice would soon be available in all six official languages of the United Nations. The Governments of China, France, the Russian Federation and Spain had generously committed themselves to the funding of its publication in their languages, and the United Kingdom of Great Britain and Northern Ireland had agreed to pay for reprinting it in English. He also outlined the involvement of the Branch in the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and in the observance in 1994 of the International Year of the Family, as well as in forthcoming world conferences.

3. Most of those who spoke on the subject expressed their appreciation of the comprehensive report of the Secretary-General on item 6 and emphasized that United Nations standards, norms, guidelines and model treaties in crime prevention and criminal justice represented internationally agreed upon principles of desirable practice on the basis of which Governments could assess their own systems and contribute to the further development of the concept of international rule of law. Those principles covered such matters as the treatment of prisoners, the conduct of law enforcement officials, the use of force and firearms by the police, the rights of victims of crime, the

independence of the judiciary and the administration of juvenile justice. The principles could also provide a basis for domestic legislation and for bilateral and multilateral cooperation to combat national and transnational forms of crime.

4. While international instruments such as declarations, principles, guidelines, standard rules and recommendations had no legally binding effect, they had an undeniable moral strength and could provide practical guidance to the conduct of States. The value of such instruments was contingent on their acknowledgement by a large number of States.

5. There was agreement that the aim of the United Nations in reviewing progress in the use and application of the principles should not be criticizing Governments for not overcoming difficulties in that area, but rather identifying problems that might exist in implementing some standards and assisting States in overcoming obstacles.

6. Several participants stressed that the most important aspects to be taken into consideration were the dissemination of United Nations standards and norms in each State. In their view, the strategic target of strengthening understanding of, awareness of and positive attitudes towards United Nations standards and norms had to be achieved not only by law enforcement agencies, but also by other institutions, such as universities, especially law faculties, which provided human resources for future professionals in the area of criminal justice. Broad dissemination of the United Nations standards and norms would also contribute to the observance, in the period 1990-1999, of the United Nations Decade of International Law.

7. It was pointed out by some participants that Member States, while respecting United Nations norms and standards, should decide on their own priorities, based on their respective situations and the prevailing social, economic and cultural conditions. United Nations instruments could be used as guidelines for national legislation and domestic law and practice, with countries defining their own needs and requirements.

8. Many representatives underlined the crucial role of well-informed and skilled professional personnel in criminal justice systems, particularly lawyers. Some positions in criminal justice systems were hard to fill because of low wages or prejudice directed against staff, such as police officers or prison guards. Attention was drawn to the particular needs of developing countries, which frequently suffered from inadequate or obsolete criminal justice systems, deficient correctional programmes and institutions, overcrowded prisons, insufficient court facilities, a lack of record-keeping, equipment shortages and outdated communications systems.

9. It was pointed out that the best way to ensure lawful discretion in the use of power by the police force was to provide proper police training, to use modern technology and to apply clearly defined parameters in police work. Police forces should be provided with a statute that guaranteed their organization and functioning in accordance with the public interest and with respect for public freedoms. One of the problems faced was recruitment, since police wages were low in many countries. As regards policy on the use of firearms by law enforcement officials, it was noted by some delegations that the use of such weapons should be kept to a minimum. The members of the government procurator's office should have sufficient autonomy vis-à-vis the political authority to enable them to discharge their functions.

10. Some participants emphasized that justice systems in many countries needed to be updated and strengthened. Organized crime was more damaging to the State than were other crimes, as it was bringing to the forefront new problems such as the need to provide for genuine independence of the judiciary. In some countries judges had been subjected to political and economical pressure that was incompatible with impartiality and, on several occasions, judges and lawyers had been the targets of harassment and persecution. There could be real improvement by updating the system through changes aimed at providing greater protection to judges, prosecutors and lawyers. International cooperation in that area was important, as it could help implement new standards and norms that could assist in ensuring the personal safety of criminal justice officials.

11. The Commission was informed about a forthcoming expert meeting on the application of human rights standards on juveniles in detention. The meeting, being planned by Austrian authorities in cooperation with the Centre for Human Rights of the Secretariat, the Branch and the United Nations Children's Fund (UNICEF), would take place at Vienna in the second half of 1994. It would focus on two main themes: the exploitation of young people in such crimes as illicit drug trafficking and sexual abuse; and problems related to the detention of juveniles, with particular emphasis on group dynamics. Non-governmental organizations would be invited to attend.

12. Several speakers expressed their appreciation of the manuals and other publications issued by the Branch, especially the Compendium, and Member States were urged to have it published in their national languages.

13. It was suggested that the Secretariat should prepare and publish a brochure on the participation of Member States in universal treaties on the control of various forms of crime. It was noted that it was important for successor States to continue to fulfil the obligations of their predecessor States under international law and for depositories to be established so that successor States could confirm to them that they continued to be bound by those obligations.

14. Many speakers congratulated the Secretariat on the high quality of the draft questionnaires on the use and application of four United Nations standards and norms (E/CN.15/1994/CRP.5-8). Some stated that it was a step in the right direction and that responding to the questionnaires might involve all interested segments of society, including criminal justice professionals and non-governmental organizations. The draft questionnaires dealt with the key issues, were relatively easy to answer and to analyse and retained their potential for securing useful data. While that was a laudable effort for a new approach, the crucial test would be the response rate and the value and reliability of the information provided. Particular attention should be paid to the utilization of the feedback that would result from the questionnaires and to the evaluation of the degree of implementation of the United Nations standards and norms.

15. Some delegations, however, expressed doubt about the ability of the draft questionnaires to tap all possible reliable information. The Secretariat should not only use the questionnaires but should also explore other assessment methods that might provide useful results. At the same time, it was stressed that there should be heightened cooperation with other relevant United Nations entities to increase effectiveness of work, avoid duplication as far as possible and rationalize information-gathering.

ACTION TAKEN BY THE COMMISSION

Proposal for the development of minimum rules for the administration of criminal justice

16. At the 7th meeting, on 29 April 1994, the observer for Argentina, 61/ also on behalf of Bolivia and Uruguay, introduced a draft resolution (E/CN.15/1994/L.3) entitled "Draft United Nations minimum rules for the administration of criminal justice", which read as follows:

"The Economic and Social Council,

"Noting that, in many parts of the world, there is an urgent need to modernize criminal justice to bring about greater transparency, immediacy, speed and fairness in criminal proceedings,

"Recognizing that the written investigative procedure causes considerable judicial delays in many countries, resulting in prison overcrowding and a large number of persons detained without sentence, with frequent violations of fundamental guarantees and rights,

"Recalling that the Latin American and Caribbean Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at San José, Costa Rica, from 7 to 11 March 1994, adopted a resolution, in section IV of which it recommended that Member States, if they had not yet done so, should study the introduction of oral criminal procedure, since that would make it possible to replace the written investigative and inquisitorial system, with its attendant delays, violation of the rights and fundamental guarantees of accused and convicted persons, and negation of the rights of victims,

"Recognizing that the draft United Nations minimum rules for the administration of criminal justice are designed to ensure a fair trial, in accordance with resolution 1993/26 of 25 August 1993 of the Subcommission on Prevention of Discrimination and Protection of Minorities,

"Recalling that the draft minimum rules stipulate that preventive custody should be considered a last resort in full accord with the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules),

"Bearing in mind that the draft minimum rules also stipulate that no detainee or prisoner should be subjected to cruel, inhuman or degrading treatment,

"Stressing that in article 6 of the draft minimum rules, it is stipulated that criminal proceedings should take place without undue delay, which will help in many countries to reduce the number of persons detained without sentence and to bring about prompt and more effective justice,

"Aware that the provisions of the draft minimum rules regarding victims are in line with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,

"Noting that the draft minimum rules stipulate that persons in preventive custody should be kept separate from convicted prisoners, as provided for in the Standard Minimum Rules for the Treatment of Prisoners,

"Decides:

"(a) To take note of and welcome the submission of the draft United Nations minimum rules for the administration of criminal justice, prepared by an expert commission that held four working sessions at Palma de Mallorca, Spain, from 23 to 25 November 1990, from 3 to 5 May 1991, from 5 to 8 September 1991 and from 14 to 16 February 1992, at the invitation of the advisory board to the Presidency of the Balearic Government and with the cooperation of the Crime Prevention and Criminal Justice Branch of the United Nations Office at Vienna;

"(b) To request the Crime Prevention and Criminal Justice Branch to circulate the draft minimum rules to all Governments of States members of the Commission on Crime Prevention and Criminal Justice, in order to seek their views thereon and to submit the results of that consultation to the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, together with the text of the draft minimum rules, for study and discussion;

"(c) To ask the Commission on Crime Prevention and Criminal Justice, at its fourth session, to follow up this matter bearing in mind the relevant results of the Ninth Congress."

17. At the 13th meeting, on 5 May, Paraguay, Spain 61/ and Uganda joined in sponsoring the draft resolution.

18. Also at the 13th meeting, the Vice-Chairman of the Commission, Mr. Mayrhofer-Grünbühel (Austria), introduced a draft resolution (E/CN.15/1994/L.21) entitled "Proposal for the development of minimum rules for the administration of criminal justice", submitted on the basis of informal consultations held on draft resolution E/CN.15/1994/L.3. In introducing the draft resolution, the Vice-Chairman orally revised it.

19. Statements were made by the representatives of the Russian Federation and France and the observer for the United Kingdom of Great Britain and Northern Ireland.

20. The Vice-Chairman of the Commission, Mr. Mayrhofer-Grünbühel (Austria) also made a statement.

21. The Commission then adopted draft resolution E/CN.15/1994/L.21, as orally revised (see chap. I, sect. A, draft resolution VI).

22. In the light of the adoption of draft resolution E/CN.15/1994/L.21, draft resolution E/CN.15/1994/L.3 was withdrawn by the sponsors.

Succession of States in respect of international treaties on combating various manifestations of crime

23. At the 11th meeting, on 4 May 1994, the representative of the Russian Federation, on behalf of Armenia, 61/ Belarus, 61/ Bulgaria, Canada, 61/ Finland, Poland, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland, 61/ introduced a draft resolution (E/CN.15/1994/L.17) entitled "Succession of States in respect of international treaties on combating various manifestations of crime". Subsequently, Germany, Spain, 61/ Sri Lanka and Uruguay joined in sponsoring the draft resolution, which read as follows:

"The Commission on Crime Prevention and Criminal Justice,

"Noting the considerable changes within the international community, in connection with the dissolution of States and the emergence of successor States,

"Recalling Commission on Human Rights resolutions 1993/23 of 5 March 1993 and 1994/16 of 25 February 1994, in which the Commission, inter alia, encouraged successor States to confirm to appropriate depositories that they continued to be bound by obligations under international human rights treaties,

"Considering that the widest possible adherence to international treaties on combating such dangerous crimes as illicit drug trafficking, taking of hostages and hijacking is one of the conditions for effective international cooperation in this field,

"Emphasizing the special importance of the consistent and effective implementation of international instruments on combating crime,

"Recognizing the need to intensify and coordinate efforts against the most dangerous manifestations of crime in order to ensure concerted global action,

"Noting that the confirmation by successor States to appropriate depositories that they continue to fulfil obligations of their predecessor States under international treaties on combating various manifestations of crime is important for successful action by the international community against the evils of crime,

"1. Encourages successor States to confirm to appropriate depositories that they continue to be bound by obligations under relevant international treaties on combating various manifestations of crime;

"2. Urges successor States that have not yet done so to consider acceding to or ratifying those international treaties on combating crime to which their predecessor States were not parties;

"3. Requests the Secretary-General to render advisory services with respect to succession or accession to international treaties on combating crime to successor States that are Members of the United Nations and to include in his report on technical cooperation, to be submitted to the Commission on Crime Prevention and Criminal Justice at its fourth session, information on progress achieved in that area, to serve as the basis for further consideration of that issue by the Commission."

24. At the 13th meeting, on 5 May, the Vice-Chairman of the Commission, Mr. Mayrhofer-Grünbühel (Austria), read out revisions to the draft resolution, which had been agreed upon during informal consultations.

25. At the same meeting, the observer for Spain further orally revised the draft resolution.

26. Also at the same meeting, an amendment was proposed by the representative of France.

27. At the same meeting, Italy joined in sponsoring the draft resolution, as orally revised and amended.

28. At the same meeting, the Vice-Chairman of the Commission, Mr. Mayrhofer-Grünbühel (Austria), made a statement.

29. Also at the same meeting, the Commission adopted the draft resolution, as orally revised and amended (see chap. I, sect. C, Commission resolution 3/4).

30. Before the draft resolution was adopted, statements were made by the representatives of Sri Lanka and the Russian Federation and the observer for Croatia. After it was adopted, the observer for the Netherlands made a statement.

United Nations standards and norms in crime prevention and criminal justice

31. At the 15th meeting, on 6 May 1994, the Vice-Chairman of the Commission, Mr. Habib Ammar (Tunisia), introduced a draft resolution (E/CN.15/1994/L.10) entitled "United Nations standards and norms in crime prevention and criminal justice", submitted on the basis of informal consultations.

32. At the same meeting, a statement was made by the representative of France.

33. At the same meeting, the representative of the United States of America proposed an amendment to operative paragraph 10, by which the phrase "Also requests the Commission to continue its practice of establishing an open-ended in-sessional working group to discuss" would be replaced by the phrase "Requests the Commission to continue its consideration of the question at its fourth session by having the open-ended in-sessional working group discuss".

34. Also at the same meeting, the representative of Finland made a statement.

35. At the same meeting, the observer for Croatia proposed an amendment to operative paragraph 4, whereby the words "workshops and other training programmes" would be replaced by the words "workshops, training programmes and other activities".

36. Statements were made by the representative of the United States of America and the observer for Israel.

37. The Commission then adopted the draft resolution, as orally amended (see chap. I, sect. A, draft resolution VII).

Report of the open-ended in-sessional working group on United Nations standards and norms in crime prevention and criminal justice

38. At the 15th meeting, on 6 May 1994, the Vice-Chairman of the Commission, Mr. Habib Ammar (Tunisia), introduced the report of the open-ended in-sessional working group on United Nations standards and norms in crime prevention and criminal justice (E/CN.15/1994/L.13).

39. At the same meeting, the Commission took note of the report of the working group (see chap. I, sect. C, Commission decision 3/101).

Chapter V

PREPARATIONS FOR THE NINTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

1. The Commission considered item 7 of its agenda at its 7th to 9th and 14th and 15th meetings, on 29 April and 3 and 6 May 1994. It had before it the following documents:

(a) Discussion guide on demonstration and research workshops to be held at the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.169/PM.1/Add.1);

(b) Reports of the regional preparatory meetings for the Ninth Congress (A/CONF.169/RPM.1/Rev.1 and Corr.1, 2, 3 and Corr.1, 4 and 5);

(c) Report of the Secretary-General on progress made in the preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (E/CN.15/1994/8);

(d) Note verbale dated 18 April 1994 from the Embassy of the Republic of Argentina to the United Nations Office at Vienna (E/CN.15/1994/11);

(e) Statement submitted by the following non-governmental organizations in consultative status with the Economic and Social Council: International Council of Women, International Federation of Business and Professional Women and Zonta International (category I); All India Women's Conference, Friends World Committee for Consultation, International Abolitionist Federation, International Federation of University Women, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students), The Salvation Army, World Federation of Methodist Women (WFMW) and World Union of Catholic Women's Organizations (category II); and Helpage International and International Inner Wheel (Roster) (E/CN.15/1994/NGO/3);

(f) Statement submitted by the following non-governmental organizations in consultative status with the Economic and Social Council: International Council for Adult Education (ICAE) (category I); Arab Lawyers Union, International Association of Juvenile and Family Court Magistrates, International Institute of Humanitarian Law and World Confederation of Organizations of the Teaching Profession (category II); and International Association of Educators for World Peace, International Council for Distance Education and International Humanist and Ethical Union (Roster) (E/CN.15/1994/NGO/4);

(g) Statement submitted by Asia Crime Prevention Foundation, a non-governmental organization in consultative status with the Economic and Social Council, category II (E/CN.15/1994/NGO/5).

2. In his introductory remarks, the Chief of the Crime Prevention and Criminal Justice Branch briefly described the content of the documentation before the Commission on agenda item 7, as well as emerging substantive issues and outstanding organizational matters. The Commission, as the preparatory body for the Ninth Congress, had an opportunity to review the arrangements that had been undertaken to ensure that all requisite measures were being taken for the organization of the Ninth Congress and for its successful outcome. He also sought the advice of the Commission on procedural and organizational issues regarding the demonstration and research workshops to be held at the Ninth

Congress and regarding the rules of procedure for United Nations congresses on the prevention of crime and the treatment of offenders. He drew the attention of the Commission to the financial difficulties that least developed countries might encounter participating in the Ninth Congress.

3. Gratitude was expressed to the Government of Tunisia, the host of the Ninth Congress, and to the Governments of Egypt and the Islamic Republic of Iran for the amicable way in which agreement had been reached on the hosting of the Ninth Congress. Appreciation was also expressed to the Governments under the auspices of which the regional preparatory meetings for the Ninth Congress had been held.

4. It was stressed that the Ninth Congress would constitute a landmark event for the African continent. Some representatives urged the reappointment of the Executive Secretary of the Ninth Congress. A proposal was made for the Ninth Congress to be held from 24 April to 5 May 1995, pre-Congress consultations to be held on 22 and 23 April.

5. Many representatives reported that high priority was being accorded to preparations for the Ninth Congress, a fact that demonstrated the political will of States to address diverse needs related to crime prevention and criminal justice across the globe. National scientific committees had been created to oversee the substantive contributions of States to the Ninth Congress.

6. The Secretariat was commended for the work it had carried out in ensuring the smooth preparations for the Ninth Congress, in particular, in respect of the five regional preparatory meetings held in the first three months of 1994. Reference was made to communications related to the Ninth Congress from the Secretariat. It was recommended that the Secretariat should explore ways of communicating directly with ministries of the interior and ministries of justice, at least for information purposes.

7. In relation to the substantive topics, it was stressed that the Commission should ensure that the major contemporary problems, priorities and concerns, as identified by States across five regions, were placed on the agenda of the Ninth Congress and were accorded the attention that they warranted. While each region was unique and distinct in terms of its needs and interests, cross-regionally there was considerable commonality, in terms of existing and emerging crime-related problems, to warrant effective action by the Ninth Congress. The recommendations of the regional preparatory meetings highlighted the fact that many States were experiencing high levels of both traditional and newly emerging forms of criminality, which were exacting a heavy toll in terms of human suffering and financial cost. Even where there were comparatively low levels of crime, States had emphasized continued vigilance to ensure security. For example, drug-related criminality, illegal arms trade and terrorist violence, which had been identified by most regions as priority issues, had to be appropriately considered by the Ninth Congress.

8. Discussion ensued on how to best give effect to the various recommendations made by the regional preparatory meetings, for which general support was expressed, and on the need to provide the Ninth Congress with a "substantive platform". Some representatives were in favour of an omnibus resolution that would amalgamate the recommendations made; others favoured the endorsement by the Commission of the reports of the regional preparatory meetings in their entirety (A/CONF.1969/RPM.1-5).

9. States had many expectations of the Ninth Congress in terms of the approach to be taken in tackling highly technical justice-related problems. In

particular, the Ninth Congress had to examine the newly emergent forms of crime, which were of increasing sophistication. Questions for consideration by the Ninth Congress included irreversible damage against nature, urban criminality, rehabilitation, possibilities for the serious young offender, gang activity, and the reduction of criminal violence in society. It was noted that numerous Governments were now in the process of re-shaping their justice systems and creating new institutions. As in many cases criminal justice reform was being guided by the United Nations standards and norms in crime prevention and criminal justice that had been adopted by previous congresses; States were looking to the Ninth Congress for further guidance.

10. The Ninth Congress had a crucial task to fulfil in discussing policy perspectives to prevent crime and victimization, striking a balance between freedom and security, while promoting universal respect for human rights and human dignity on the basis of due process principles, including the presumption of innocence.

11. The role, functions and responsibilities of the police in contemporary times and, in particular, in the urban environment had to be examined. Those issues were central to any criminal justice reform and modernization towards more successful crime control. Some of the specific areas that needed attention included the enhancement of exchange and mutual use of intelligence, community policing, conflict resolution and mediation of disputes, care for victims, and state-of-the-art instructional tools, techniques and aids.

12. Reference was made to situations where criminal justice facilities had been physically destroyed during war and had to be rebuilt. Such situations had arisen in a number of countries whose justice systems had been shaken and were no longer in a position to act as guardian of and safeguard the rights and liberties of the population. The Commission on Crime Prevention and Criminal Justice and the Ninth Congress were deemed to be the appropriate forums for considering the provision of concrete assistance to justice systems in such problematic situations.

13. The attention of the Commission was drawn to the importance of and need for comprehensive reform in the education of children, including the positive use of modern communication technology, with a view to forestalling the "pollution of the human environment".

14. Appreciating the need for positive and dynamic international cooperation, States were in support of, and were increasingly participating in, United Nations efforts in the field of crime prevention and criminal justice. In the course of a constant search for "solutions" to crime problems, due consideration had to be given to the study of comparative criminal law and procedure, particularly considering the fact that crime, in its many forms, was increasingly becoming multinational. Faults and gaps in existing legislation should be identified and a review of the range of sanctions being employed across justice systems should be encouraged.

15. It was suggested that the Ninth Congress should also focus its attention on identifying ways and means of strengthening the transnational cooperation of law enforcement officials to deal with major offences and offenders escaping justice, and to trace and seize any proceeds of crime. Bilateral arrangements and model treaties for mutual assistance, extradition and the transfer of criminal proceedings were helpful because they facilitated the exchange of data, evidence and intelligence. It was necessary, however, to put into effect existing rules and provisions, including the elaboration of international

treaties to facilitate cooperation. As different forms of transnational organized crime had different characteristics and patterns, transborder cooperation had to be tailored accordingly.

16. A proposal was made to establish a subcommission - an impartial international body supported by highly qualified technical staff - to study and deal with difficult questions arising out of conflicts of jurisdiction, under the auspices of the Commission. The supporting entity could consist of three units: technical research; conciliation and arbitration; and the exchange of evidence. Its work would be aided by specialized scientific research and financially supported by a special fund, perhaps through funds seized from organized crime to be contributed by States.

17. Reference was made to the need for a review, by the Commission and the Ninth Congress, with a view towards prompting reform, of justice procedures employed in many countries in Latin America that involved the dual inquisitorial and sanctioning role of the judiciary, often resulting in serious delays in proceedings, persons awaiting trial for long periods, disproportionate numbers of untried detainees and serious prison overcrowding.

18. Several representatives requested the Commission to recommend to the Economic and Social Council the adoption of the "Declaration of support for the multilateralization of the Latin American Institute for the Prevention of Crime and the Treatment of Offenders" (A/CONF.169/RPM.4) and the "Declaration on the African Institute for the Prevention of Crime and the Treatment of Offenders" (A/CONF.169/RPM.2). In the first declaration, the Latin American and Caribbean regional preparatory meeting for the Ninth Congress expressed the view that a multilateral agreement between the countries of the Latin American and Caribbean region would be a more effective instrument for discharging and refining the current mandate of the Latin American Institute and would lead to more effective participation and greater benefit for the countries in the region in implementing the United Nations crime prevention and criminal justice programme. In the second declaration the African regional preparatory meeting for the Ninth Congress expressed grave concern about the precarious financial position of the African Institute, the inadequate remittances of assessed contributions by Member States and the inability of most Member States to fulfil their obligations to the African Institute; it requested the Commission, in cooperation with the Conference of Ministers of the Economic Commission for Africa, and in accordance with General Assembly resolution 46/152, annex, to facilitate the activities of the African Institute and to establish, as a matter of urgency, a task force to examine ways and means of strengthening the African Institute, with special reference to its financial position.

19. It was recalled that the Commission had charged the Crime Prevention and Criminal Justice Branch with the task of coordinating the preparation of the six workshops to be held at the Ninth Congress and had made efforts to mobilize support and encourage participation in the workshops. In the absence of human and financial resources, the Secretariat had to rely on its counterparts - the organizers. All but one of the six workshops had sponsors. With reference to the workshop on mass media and crime prevention, originally to be organized by the Australian Institute of Criminology, in cooperation with the Arab Security Studies and Training Centre, the main sponsor had withdrawn its offer. The view was expressed that, notwithstanding that development, mass media and crime prevention, the topic of another workshop, had been regarded as important by all the regional preparatory meetings and would serve to involve the media in and attract the attention of the public to the deliberations of the Ninth Congress. It was suggested that the Congress workshops should consider the possibility of

developing a code of ethics covering the widest possible range of communication media.

20. As envisaged by the Commission, the workshops would provide an opportunity to exchange practical expertise and experiences regarding both successful and less effective measures adopted to confront specific problems in the field of crime prevention and criminal justice and would facilitate dialogue on technical cooperation activities. With a view to encouraging the multidisciplinary nature of the workshops and ensuring a practical orientation, the workshops would involve not only professionals in the field of criminal justice but also professionals in a wide range of other relevant fields. The workshops should attempt to highlight both successes and failures, and that which could be accomplished by Governments at the international, national and local levels.

21. It was hoped that the workshop on computerization would sensitize senior managers to the importance of introducing computer technology, which would in turn result in technical assistance ventures. One of the major impediments to further advancing technical assistance projects in computerization was the general lack of awareness on the part of senior criminal justice managers with respect to both the importance of introducing computer technology in the administration of criminal justice and the prerequisites for its introduction. It was hoped that the workshop on the prevention of violent crime would address issues relating to violence against women and children.

22. Many representatives were looking forward to the plenary discussion on corruption at the Ninth Congress. It was considered the appropriate place for the consideration of a highly sensitive problem that had emerged in various forms and regions.

ACTION TAKEN BY THE COMMISSION

Preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

23. At the 14th meeting, on 6 May 1994, the representative of Australia, in his capacity as Chairman of the informal open-ended working group on agenda item 7, introduced the report of the working group (E/CN.15/1994/L.20), the annex to which contained a draft resolution entitled "Preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders". In introducing the report, the representative of Australia orally revised the draft resolution as follows:

(a) The last preambular paragraph, which read:

"Welcoming the generous invitation of the Government of Tunisia to act as host to the Ninth Congress",

was replaced by the following text:

"Welcoming the agreement reached between the Governments of Egypt and Tunisia with respect to the venue of the Congress";

(b) In section I:

(i) A new operative paragraph was inserted before operative paragraph 4, reading:

"Takes note with appreciation of the reports of the five regional preparatory meetings for the Ninth Congress and invites Member States and other entities involved, in their preparations for and their discussions at the Ninth Congress, to take into appropriate account the conclusions and recommendations contained in those reports";

(ii) A new operative paragraph was inserted before operative paragraph 8, reading:

"Approves the documentation for the Ninth Congress, as proposed by the Secretary-General in his report on progress made in the preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, taking into account relevant recommendations made by the Council in the present resolution";

(c) In section V, operative paragraph 2, which read:

"Also invites the Ninth Congress to consider the issue of violence against women and children and to consider proposing recommendations to the Commission at its fourth session in respect of developing, establishing or strengthening means for preventing and controlling such violence, giving appropriate consideration to ways of promoting recognized good practice, such as those contained in Strategies for Confronting Domestic Violence: A Resource Manual",

was replaced by the following text:

"Requests the Ninth Congress to consider violence against women and violence against children as separate questions under topic 4 and in the context of the workshop on the prevention of violent crime, and to propose recommendations on those questions to the Commission in respect of legislation, procedures, policies, practices, and technical cooperation and assistance, as well as of social services, education and the dissemination of information";

(d) In section VI, operative paragraph 3, which had read:

"[Recommends that the Ninth Congress should consider the Draft International Code of Conduct for Public Officials (A/CONF.169/PM.1/Add.1, annex II)]",

was replaced by the following text:

"Recommends that the Ninth Congress, at the plenary discussion on corruption, consider the desirability of a draft code of conduct for public officials along the lines of the draft contained in annex II of document A/CONF.169/PM.1/Add.1;

"Requests the Secretary-General, in preparation for such discussion at the Ninth Congress, to seek comments from Member States on that draft".

24. At the same meeting, the Chief of Financial Services, Division of Administrative and Common Services of the United Nations Office at Vienna, made a statement with regard to programme budget implications of section I, operative paragraph 5 (para. 6 of the final text).

25. The Chief of the Crime Prevention and Criminal Justice Branch made a statement with regard to the proposed dates for the Ninth Congress.

26. Following statements by the representatives of the Islamic Republic of Iran, Japan, Uruguay, Germany and Australia and the observers for Spain, Canada, the United Kingdom of Great Britain and Northern Ireland, Israel, Argentina and the Netherlands, it was proposed to amend the draft resolution as follows:

(a) A new preambular paragraph would be inserted before the last preambular paragraph, reading:

"Taking note of the initial offer of the Islamic Republic of Iran to act as host for the Ninth Congress, which was later withdrawn in favour of an African country";

(b) In section I:

(i) In operative paragraph 10 (para. 12 of the final text), the words "and all entities involved" would be inserted after the words "Invites Member States" and the following words would be added at the end of the paragraph:

"and to consider, inter alia, holding various national competitions, to the extent that resources and other circumstances permit, as follows:

"(a) An urban planning and architectural design competition, aimed at preventing crime and increasing safety;

"(b) A competition on crime prevention programmes planned and implemented by youth;

"(c) A mass media competition on crime prevention material, including films, advertisements, pamphlets and television and radio programmes, the winners or outstanding projects to be presented at the Ninth Congress at the appropriate workshops or at the national kiosks";

(ii) In operative paragraph 11 (para. 13 of the final text), the words "and all other entities involved" would be inserted after the words "government development agencies";

(iii) In operative paragraph 13 (para. 15 of the final text), the words "and all other entities involved" would be inserted after the words "non-governmental organizaitons";

(c) In section III:

(i) In operative paragraph 1, the words "and international traffic in minors" would be inserted after the words "illicit migration";

(ii) In operative paragraph 4, the words "bearing in mind treaties in force" would be inserted after the word "Recommends" and the words "standard setting" before the words "manual for practitioners" would be deleted;

(iii) A new operative paragraph would be inserted after operative paragraph 4, reading:

"Also invites the Ninth Congress to consider the preparation and enforcement of law in respect of criminal conduct relating to chemical precursors and other chemical substances used for the illicit production of drugs";

(iv) In operative paragraph 5 (para. 6 of the final text), the words "bearing in mind treaties in force" would be inserted after the words "Also recommends" and the words "and methods" would be inserted after the word "instruments";

(d) In section IV, operative paragraph 2, the words "the functioning of criminal justice and police systems, in particular" would be inserted after the words "Also invites the Ninth Congress to consider recent developments in";

(e) In section V:

(i) In operative paragraph 4, the following words would be added at the end of the paragraph:

"and to do so by, inter alia, inviting winners of national crime prevention competitions to present their projects and crime prevention materials at the relevant workshops and, to the extent possible, to give publicity to these projects";

(ii) In operative paragraph 7, the words "seek to" before the words "identify and assess" would be deleted;

(f) In section VI, operative paragraph 3, as revised (see para. 23 (d) above), would be replaced by the following text:

"Recommends that the Ninth Congress, during the plenary discussion on corruption, consider the desirability of a code of conduct for public officials (a draft of which was contained in document A/CONF.169/PM.1/Add.1, annex II) and that the Secretary-General seek comments from Member States and relevant entities, in order to assist the Commission in its consideration of the matter at its fourth session".

27. At the 15th meeting, on 6 May, the Commission adopted the draft resolution contained in the annex to document E/CN.15/1994/L.20, as orally revised and amended, with the exception of the amendment contained in paragraph 26 (e) (i) above (see chap. I, sect. A, draft resolution VIII).

28. Before the draft resolution was adopted, statements were made by the representatives of Austria, Uganda and Tunisia and the observers for Israel and Egypt.

29. The Chief of Financial Services, Division of Administrative and Common Services of the United Nations Office at Vienna, also made a statement.

Report of the informal open-minded working group on agenda item 7

30. At the 15th meeting, on 6 May, the Commission decided to take note of the report of the open-ended informal working group on agenda item 7 (E/CN.15/1994/L.20) (see chap. I, sect. C, Commision decision 3/102).

Proposed guidelines for the prevention of urban crime

31. At the 15th meeting, on 6 May 1994, the Vice-Chairman of the Commission, Mr. Mayrhofer-Grünbühel (Austria), introduced a draft resolution (E/CN.15/1994/L.25) entitled "Proposed guidelines for the prevention of urban crime", submitted on the basis of informal consultations.

32. At the same meeting, following statements by the representative of France and the observer for the United Kingdom of Great Britain and Northern Ireland, the Vice-Chairman of the Commission, Mr. Mayrhofer-Grünbühel (Austria), orally revised operative paragraph 3 of the draft resolution by adding the words "for subsequent publication in the most appropriate form, for example in the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice" at the end of the paragraph.

33. The Commission then adopted the draft resolution, as orally revised (see chap. I, sect. A, draft resolution IX).

Chapter VI

COOPERATION AND COORDINATION OF ACTIVITIES WITH OTHER UNITED NATIONS BODIES AND OTHER ENTITIES

1. The Commission considered agenda item 8 at its 10th to 12th and 15th meetings, on 3, 4 and 6 May 1994. It had before it the following documents:

(a) Report of the Secretary-General on cooperation and coordination of activities in crime prevention and criminal justice (E/CN.15/1994/9);

(b) Progress report of the Secretary-General on activities of the United Nations Interregional Crime and Justice Research Institute and other institutes (E/CN.15/1994/10 and Corr.1);

(c) Report of the Secretary-General on the nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute (E/CN.15/1994/10/Add.1);

(d) Statement submitted by Centro Nazionale di Prevenzione e Difesa Sociale, a non-governmental organization in consultative status with the Economic and Social Council, category II (E/CN.15/1994/NGO/1).

2. The Chief of the Crime Prevention and Criminal Justice Branch, in his introductory remarks, sought the guidance of the Commission on the identification of modalities for more effective cooperation and coordination in the field of crime prevention and criminal justice, in pursuance of Council resolutions 1992/22 and 1993/34. He stated that one way that the Branch attempted to be more responsive to the needs of States and more effective in terms of the services it delivered was to strengthen old and forge new programmatic partnerships and interlinkages with other entities. That had contributed to the achievement of complementarity and to the avoidance of duplication of activities. Expressing gratitude to the supporting agencies and institutions around the world, he emphasized the need for a more adequate level of resources to implement all the mandates of the United Nations crime prevention and criminal justice programme, including the mandate of the Branch to ensure coordination. At the same time, he noted the danger of relying too heavily on extrabudgetary resources and contributions in kind.

3. Several participants noted the efforts made by the Branch to ensure coordination and cooperation with other entities, both within and outside of the United Nations, bolstering the substantive work undertaken by the United Nations in the field of crime prevention and criminal justice, in accordance with the wishes of the Commission.

4. Cooperation and coordination created opportunities for and promoted the exchange of information and the reciprocal provision of assistance. Such action contributed to better utilization of scarce resources, improving the quality of work and the effectiveness of action. The involvement of research-oriented institutions was important to the development of a proper scientific base, and the involvement of practitioner agencies was important to the development of more effective practical concerted action. Specialized training institutions were essential as they enabled the requisite pooling of expertise and know-how at the international level to upgrade operational performance. Knowledge transfer and other forms of mutual assistance were of benefit at the global

level; the Crime Prevention and Criminal Justice Branch could play a more central role in promoting those forms of mutual assistance if its programme capacity was strengthened.

5. As fostering international cooperation in the field of crime prevention and criminal justice was one of the goals of the Commission, it was proposed that States should make greater use of the coordination services of the Branch and, in turn, that the Branch should be provided with the necessary human and financial resources and capacity to coordinate sources of assistance.

6. Continuing and improving system-wide coordination and cooperation and encouraging close system-wide programme interaction and the widest possible collaboration were desirable in that they were in the interest of a more rational deployment of United Nations resources. Also desirable was the tapping of world-wide scientific knowledge, expertise and practical experience. The coordination of sources of assistance around the world benefited the greatest number of States, particularly those that, because of a lack of funds, were in need of the infrastructure, facilities, services and expertise to effectively combat crime.

7. Cooperation and coordination, in particular in respect of comprehensive advisory services and technical cooperation to ensure human rights in the administration of justice, were deemed central to all programme activities. It was through such cooperation and coordination that violations of human rights, such as torture and arbitrary and summary executions, might be gradually overcome. The hope was, pursuant to General Assembly resolution 48/141, expressed that the appointment of a High Commissioner for Human Rights would result in an enhanced role of the United Nations in the protection and promotion of human rights.

8. Several representatives reported on research-oriented activities and operations of the criminal justice agencies in their countries, which were considered of great value. Special efforts were made to focus on the priority areas identified by the Commission.

9. Attention was paid to the importance of continued close cooperation with intergovernmental organizations on activities related to crime prevention and criminal justice. The General Secretariat of the Council of Arab Ministers of the Interior, based in Tunisia, was ready to provide all possible assistance for the preparations for and convening of the Ninth Congress at Tunis. Mention was made of efforts by the Council of Arab Ministers of the Interior to promote the harmonization of legislation, including through Arab security strategies and plans implemented in cooperation with the Arab Security Studies and Training Centre.

10. Also important was the collaboration between the Crime Prevention and Criminal Justice Branch and the large number of non-governmental organizations that would be actively involved in the holding of ancillary meetings on specific issues at the Ninth Congress.

11. It was acknowledged that the United Nations crime prevention and criminal justice programme network, consisting of the United Nations Interregional Crime and Justice Research Institute, the affiliated regional institutes, the associate institutes and the International Scientific and Professional Advisory Council, had rendered excellent support in the implementation of the United Nations crime prevention and criminal justice programme, both with regard to regular activities and to preparations for the Ninth Congress. Appreciation was

expressed for the continued close cooperation between the Branch and the institutes of the programme networks. It was recognized, however, that the relatively large programme network required considerable resources. That situation was likely to become more difficult considering the possible creation of additional subregional entities and the newly emerging regional or interregional institutes or centres.

12. Statements were made in reference to, and expressing satisfaction with, the various activities of the institutes undertaken in support of the United/Nations crime prevention and criminal justice programme, including those for the Ninth Congress and its research workshops. The activities of the institutes relating to research, training, the dissemination of information, technical advisory services, and the holding of expert group meetings were outlined in the report of the Secretary-General (E/CN.15/1994/10 and Corr.1), which was before the Commission. Their activities in connection with preparations for the holding of demonstration and research workshops at the Ninth Congress were described in the discussion guide on those workshops (A/CONF.169/PM.1/Add.1).

13. Mention was made of the activities of the United Nations Interregional Crime and Justice Research Institute in the field of victimology and of the efforts of the Institute aimed at fostering informed decision-making in that field. It was reported that the Institute was in the process of re-evaluating its programme and staffing, with a view to adopting a more integrated and strategically oriented approach and to tackling areas that had previously not been accorded sufficient attention at the international level. The Institute intended to render support to strengthen the institutional capacity of other elements of the United Nations crime prevention and criminal justice programme network.

14. Mention was made of the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders. Its work on crime trends, training courses and technical cooperation activities, supported by the Japanese International Cooperation Agency, had focused on the priority themes defined by the Commission. The Asia Crime Prevention Foundation, an organization in consultative status with the Economic and Social Council, had also greatly contributed to the work of the Asia and Far East Institute; and many of its activities had been carried out in cooperation with other institutes, non-governmental organizations and other organizations. The activities of the Asia and Far East Institute had facilitated the identification of regionally specific needs in technical areas to be dealt with by the Commission and the Ninth Congress.

15. The activities of the African Institute for the Prevention of Crime and the Treatment of Offenders were highlighted, particularly those geared towards building a repository of information and documentation and towards dealing with criminogenic circumstances particular to the African region. Mention was made of the difficulties that had been encountered by the African Institute in establishing a viable, permanent resource base for its operations. The continued funding by the United Nations Development Fund was appreciated.

16. It was recognized that the project-based activities of the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, together with its numerous studies and surveys, had contributed to initiatives aimed at legal reform in countries in Latin America and the Caribbean.

17. Mention was made of the activities of the European Institute for Crime Prevention and Control, affiliated with the United Nations (formerly called the

Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations), particularly its activities relating to rendering assistance to countries in transition, bringing about reform and modernization of criminal justice operations. The activities of the European Institute aimed at computerizing and facilitating the exchange of criminal justice information were also noted.

18. Mention was also made of the noteworthy contributions of the Arab Security Studies and Training Centre to the activities of the United Nations crime prevention and criminal justice programme. Those activities included hosting and convening the Standing Advisory Round-table of Eminent Experts on United Nations Juvenile Justice Standards, Policy and Instrumentation: a Justice Model for the Young; the Annual Programme Coordination Meeting of the United Nations Crime Prevention and Criminal Justice Programme Network; an expert group meeting on the mass media; the first United Nations International Model Training Programme on Delinquency Prevention and Juvenile Justice and collaboration with the Crime Prevention and Criminal Justice Branch in the development of a composite manual on juvenile justice, to be published with the support of the Arab Security Studies and Training Centre in early 1995.

19. Reference was made to the International Centre for Criminal Law Reform and Criminal Justice and its efforts to advance knowledge through education, the sharing of information and research. The Centre was to become a focal point for innovative ideas and technologies.

20. It was noted that the International Centre for the Prevention of Crime was established on 7 April 1994, in Montreal, Canada, with the collaboration of the Canadian and French Governments. That mechanism for interregional cooperation would support the development and implementation of practical multisectoral approaches for crime prevention, particularly among cities, non-governmental organizations and specialized institutes.

21. There was agreement on the need to render assistance to those institutes serving States in developing regions. Mention was made of the special difficult situations of the African Institute and the Latin American Institute, which had been reflected in the resolutions and reports of the respective regional preparatory meetings for the Ninth Congress (A/CONF.169/RPM.2 and A/CONF.169/RPM.4).

22. In connection with the Latin American Institute, it was recalled that the Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders had adopted the "Declaration of support for the multilateralization of the Latin American Institute for the Prevention of Crime and the Treatment of Offenders" (see A/CONF.169/RPM.4). In that Declaration, the Meeting had expressed its awareness that a multilateral agreement between the countries of the region would be a more effective instrument for discharging and refining the current mandate of the Latin American Institute and would lead to more effective participation and greater benefit for Latin American and Caribbean countries in implementing the United Nations crime prevention and criminal justice programme.

23. Reference was made to the unique, precarious financial situation of the African Institute, which needed to be resolved to enable it to sustain its operations. The African Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders had adopted the "Declaration on the African Institute for the Prevention of Crime and the Treatment of Offenders" (see A/CONF.169/RPM.2). In that Declaration,

the Meeting had expressed grave concern about the precarious financial position of the African Institute, the inadequate remittances of assessed contributions by Member States and the inability of most Member States to fulfil their obligations to the African Institute. Several participants, referring to the implementation of General Assembly resolution 48/101, stressed the fact that the African Institute, which served 54 African countries, should be given all possible support to enable it to carry out its activities and to undertake operations comparable to those of the other regional institutes.

24. The close substantive interlinkages of the Branch with various programmes within the United Nations system were acknowledged with appreciation, in particular those in the fields of human rights, the advancement of women and drug control. The view was expressed that coordination should be carried out simultaneously at two levels: among United Nations organs and among their secretariats.

25. The reciprocal and mutually reinforcing activities of the United Nations crime prevention and criminal justice programme and the human rights programme were recognized as important. The promotion of human rights in the administration of criminal justice was also notable in activities related to children's rights, in connection with the work of the Committee on the Rights of the Child, and women's rights, in connection with the Declaration on the Elimination of Violence against Women, on which there had been for many years close collaboration involving both programmes.

26. It was agreed that the United Nations International Drug Control Programme (UNDCP) and the Crime Prevention and Criminal Justice Branch should continue to strengthen their cooperation and coordination and to intensify their activities, in addition to designing a framework for those activities. In recognition of the fact that effective drug control could only be achieved with the contribution of criminal justice systems, the Commission on Narcotic Drugs, at its thirty-sixth session, had sought ways of improving the coordination of work between UNDCP and the United Nations crime prevention and criminal justice programme (e.g. in the areas of money-laundering, organized crime, penal legislation). An inter-agency document outlining existing links between drugs and crime would be presented to the Ninth Congress.

27. Several representatives called for the adoption by the Economic and Social Council of the "Draft criteria and procedures for the affiliation with the United Nations of institutes or centres and the establishment of United Nations subregional institutes in the field of crime prevention and criminal justice", developed by the Crime Prevention and Criminal Justice Branch, in pursuance of Council resolution 1992/22, section IV, and endorsed by the Ninth Joint Programme Coordination Meeting of the United Nations Crime Prevention and Criminal Justice Programme Network, held at Riyadh on 24 and 25 January 1994.

ACTION TAKEN BY THE COMMISSION

African Institute for the Prevention of Crime and the Treatment of Offenders

28. At the 11th meeting, on 4 May 1994, the representative of Malawi, on behalf of Angola, 61/ the Gambia, 61/ the Libyan Arab Jamahiriya, 61/ Malawi, Nigeria, the Sudan, Tunisia, Uganda and Zambia, 61/ introduced a draft resolution

(E/CN.15/1994/L.14) entitled "African Institute for the Prevention of Crime and the Treatment of Offenders".

29. At the 15th meeting, on 6 May, the Vice-Chairman of the Commission, Mr. Mayrhofer-Grünbühel (Austria), informed the Commission that, during informal consultations, it had been agreed that the draft resolution should be revised as follows:

(a) Operative paragraph 4, which read:

"4. Requests the Secretary-General to ensure that the Institute is provided with adequate funds, within the overall appropriation of the programme budget, pursuant to General Assembly resolution 48/101, and to submit proposals for any necessary additional funding of the Institute, pursuant to paragraph 32 of General Assembly resolution 48/228 of 23 December 1993",

was replaced by the following text:

"4. Requests the Secretary-General to ensure that the Institute is provided with adequate funds, within the overall appropriation of the programme budget and from extrabudgetary resources and to submit proposals for any necessary additional funding of the Institute, in accordance with paragraph 56 of General Assembly resolution 48/228 of 23 December 1993";

(b) Operative paragraph 8, which read:

"8. Strongly recommends that the Statute of the Institute be revised in order to update the terms of reference and the modus operandi of the Institute, with a view to avoiding all factors hindering its proper functioning and enabling it to respond sufficiently and effectively to the needs of the African region",

was replaced by the following text:

"8. Strongly recommends that the Statute of the Institute be revised in order to update the terms of reference of the Institute, with a view to enabling it to respond sufficiently and effectively to the needs of the African region".

30. Egypt, 61/ Morocco and Sri Lanka joined in sponsoring the draft resolution, as orally revised.

31. The Commission then adopted the draft resolution, as orally revised (see chap. I, sect. A, draft resolution X).

32. After the adoption of the draft resolution, statements were made by the representatives of Japan and the United States of America and the observer for Ethiopia.

Technical cooperation

33. At the 11th meeting, on 4 May 1994, the representative of Uganda, on behalf of the Gambia, 61/ the Libyan Arab Jamahiriya, 61/ Malawi, Nigeria, the Sudan, Tunisia, Uganda and Zambia, 61/ introduced a draft resolution (E/CN.15/1994/L.15) entitled "Technical cooperation", which read as follows:

"The Economic and Social Council,

"Recognizing that criminality is a major concern of all nations and that it calls for a concerted response from the international community aimed at preventing crime and improving the functioning of criminal justice and law enforcement with due respect for human rights and United Nations standards and norms,

"Bearing in mind General Assembly resolution 46/152 of 18 December 1991, on the creation of an effective United Nations crime prevention and criminal justice programme,

"Also bearing in mind General Assembly resolution 48/103 of 20 December 1993, in which the Assembly requested the Secretary-General to provide from existing resources adequate funds to build and maintain the institutional capacity of the United Nations crime prevention and criminal justice programme to respond to requests from Member States for assistance in the field of crime prevention and criminal justice, if necessary through the reallocation of resources,

"Recalling that in its resolution 1992/22, section VI, of 30 July 1992, the Council determined that the majority of programme resources should be concentrated on the provision of training, advisory services and technical cooperation in a limited number of areas of recognized need,

"Also recalling that in its resolution 1993/34, section II, of 27 July 1993, the Council requested the Secretary-General to strengthen the institutional capacity of the United Nations crime prevention and criminal justice programme by providing the Secretariat with adequate human and financial resources, if necessary by reallocating existing resources, as well as by means of voluntary contributions, to enable it to elaborate, execute and evaluate operational activities and advisory services at the request of Member States,

"Convinced that appropriate crime prevention policies are essential to ensuring sustainable development, as crime also affects economic, social and environmental efforts,

"Also convinced that developing the skills of crime prevention and criminal justice practitioners is necessary to promote the rule of law and respect for human rights,

"Conscious of the relationship between urban and juvenile crime and more sophisticated forms of transnational crime, and the consequent need to fight simultaneously against both phenomena, by, among other things, providing technical assistance to countries in need,

"Convinced that legal reforms in developing countries and in countries in transition constitute a significant aspect of the process of

nation-building in terms of strengthening the rule of law, securing judicial independence and incorporating public involvement in the legal process,

"Underlining the fact that providing technical assistance through advisory services, training programmes and the dissemination and exchange of information is one of the most effective means of intensifying international cooperation,

"1. Takes note with appreciation of the report of the Secretary-General on technical cooperation and advisory services of the United Nations crime prevention and criminal justice programme, including appropriate mechanisms for the mobilization of resources (E/CN.15/1994/6);

"2. Expresses its appreciation to Member States contributing to the United Nations crime prevention and criminal justice programme, through extrabudgetary funding, the provision of associate experts, manuals and training material, and the services of experts for training purposes and advisory missions, and requests those Member States to continue their support;

"3. Welcomes the cooperation between the Secretariat and other United Nations entities, as well as non-governmental organizations, in the planning and implementation of training activities, also as a way of promoting United Nations standards and norms in the field of crime prevention and criminal justice and of increasing the impact of the United Nations crime prevention and criminal justice programme, and calls for the continuation of their support;

"4. Reaffirms the urgent need to develop and maintain the institutional capacity of the United Nations crime prevention and criminal justice programme for the planning and implementation of operational activities including training in the field of crime prevention and criminal justice, particularly in line with the priority themes determined by the Economic and Social Council in its resolution 1992/22, section VI, adopted by the Council upon the recommendation of the Commission on Crime Prevention and Criminal Justice so as to meet the needs of Member States;

"5. Reiterates its request to the Secretary-General to provide human and financial resources for the United Nations crime prevention and criminal justice programme in order to develop the institutional capacity of the programme, in accordance with General Assembly resolution 48/103, entitled "Crime prevention and criminal justice", and Council resolution 1993/34, entitled "Implementation of General Assembly resolutions 46/152 and 47/91 and Economic and Social Council resolution 1992/22, concerning crime prevention and criminal justice";

"6. Welcomes with appreciation the provision of funds from the regular budget for a second Interregional Adviser post to be assigned to the United Nations crime prevention and criminal justice programme, and strongly recommends that that post should be retained in the future;

"7. Requests the Secretary-General to provide appropriate resources for the United Nations crime prevention and criminal justice programme in order to ensure adequate support for interregional advisory services;

"8. Calls upon those States that have benefited from interregional advisory services to ensure appropriate follow-up to the recommendations of the interregional advisers;

"9. Requests the Secretary-General to take action on the recommendations of the interregional advisers and on requests from Member States by formulating specific projects and to seek funding from donor Governments and institutions for project execution;

"10. Calls upon Member States to ensure a basic level of extrabudgetary funds for the United Nations crime prevention and criminal justice programme by providing contributions to the United Nations Crime Prevention and Criminal Justice Fund;

"11. Invites Member States to contribute both financially and in kind to the cooperation projects elaborated within the United Nations crime prevention and criminal justice programme and submitted to Member States for appropriate action;

"12. Urges Member States to make all efforts to coordinate their multilateral and bilateral technical cooperation projects with the United Nations crime prevention and criminal justice programme in order to ensure that all assistance provided is used in a cost-effective manner and oriented towards the overall aims of the projects;

"13. Requests the Secretary-General to provide the United Nations crime prevention and criminal justice programme with adequate human and financial resources to support technical assistance activities in specific fields considered to be of high priority, such as control of the proceeds of crime, pursuant to Council resolution 1993/30 of 27 July 1993, urban crime prevention, pursuant to Council resolution 1993/27 of 27 July 1993, and environmental crime, pursuant to Council resolution 1993/28 of 27 July 1993;

"14. Also requests the Secretary-General to establish a database on technical assistance, integrating needs of Member States, particularly developing countries, as well as on existing collaborative arrangements and funding, taking into account regional concerns, and urges Member States to give full support to this endeavour by providing information, expertise and experiences in the technical assistance field;

"15. Welcomes the orientation of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders towards a practical forum for the exchange of experiences and information, particularly through the organization of six workshops that should facilitate contact between representatives of States in need of technical assistance and potential donors;

"16. Welcomes with appreciation the contribution of the United Nations crime prevention and criminal justice programme to United Nations peace-keeping and special missions, as well as its contribution to the follow-up to those missions, particularly with respect to strengthening the rule of law and institution-building in the field of crime prevention and criminal justice, and requests the Secretary-General to further pursue his endeavours in that area;

"17. Invites Member States to include projects in the field of crime prevention and criminal justice as part of their priority areas for development and urges the United Nations Development Programme and other funding agencies to provide financial support for the execution of relevant projects as a contribution to sustainable development."

34. At the same meeting, the representative of Tunisia made a statement.

35. At the 15th meeting, on 6 May, Bolivia and Ethiopia joined in sponsoring the draft resolution.

36. Also at the 15th meeting, the Vice-Chairman of the Commission, Mr. Mayrhofer-Grünbühel (Austria), introduced a draft resolution (E/CN.15/1994/L.23), submitted on the basis of informal consultations held on draft resolution E/CN.15/1994/L.15.

37. At the same meeting, the representative of Bolivia proposed an amendment to draft resolution E/CN.15/1994/L.23, whereby the following paragraph would be added after operative paragraph 4:

"Endorses the declaration of support for the multilateralization of the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, adopted by the Latin American and Caribbean Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders".

38. Statements were made by the representative of Uruguay and the observer for Argentina.

39. The Commission then adopted draft resolution E/CN.15/1994/L.23, as orally amended (see chap. I, sect. A, draft resolution XI).

40. In the light of the adoption of draft resolution E/CN.15/1994/L.23, draft resolution E/CN.15/1994/L.15 was withdrawn by the sponsors.

Coordination and cooperation between the Crime Prevention and Criminal Justice Branch of the Secretariat and the United Nations International Drug Control Programme

41. At the 11th meeting, on 4 May 1994, the representative of Australia, also on behalf of Austria, Bolivia, Canada, 61/ Chile, 61/ Egypt, 61/ Finland, Germany, Kuwait, 61/ Nigeria, the Philippines, Poland, the Republic of Korea, Saudi Arabia, 61/ Sweden, 61/ Turkey, 61/ and the United States of America, introduced a draft resolution (E/CN.15/1994/L.16) entitled "Coordination and cooperation between the Crime Prevention and Criminal Justice Branch of the Secretariat and the United Nations International Drug Control Programme". Subsequently, Argentina, 61/ Armenia, 61/ , Belgium, 61/ Colombia, Croatia, 61/ France, the Islamic Republic of Iran, Israel, 61/ Italy, Lebanon, 61/ Portugal, 61/ the Russian Federation, Spain, 61/ Sri Lanka, Tunisia, Uganda, the United Arab Emirates 61/ and the United Kingdom of Great Britain and Northern Ireland 61/ joined in sponsoring the draft resolution.

42. At the 15th meeting, on 6 May, the Vice-Chairman of the Commission, Mr. Mayrhofer-Grünbühel (Austria), informed the Commission that, as a result of informal consultations held on the draft resolution, it had been agreed to move

operative paragraph 3 to the preamble, following the fourth preambular paragraph.

43. At the same meeting, the Commission adopted the draft resolution, as orally revised (see chap. I, sect. C, Commission resolution 3/5).

Criteria and procedures for the affiliation with the United Nations of institutes or centres and the establishment of United Nations subregional institutes in the field of crime prevention and criminal justice

44. At the 15th meeting, on 6 May 1994, the Commission had before it a draft proposal (E/CN.15/1994/L.24) entitled "Cooperation and coordination of activities with other United Nations bodies and other entities", the annex to which contained criteria and procedures for the affiliation with the United Nations of institutes or centres and the establishment of United Nations subregional institutes in the field of crime prevention and criminal justice. The draft proposal was submitted by Canada, 61/ Finland, France, Tunisia and the United Kingdom of Great Britain and Northern Ireland. 61/ Subsequently, Austria joined in sponsoring the draft proposal.

45. At the same meeting, the statements were made by the representatives of Japan, France, Bolivia and Finland and the observer of Canada.

46. The representative of the Crime Prevention and Criminal Justice Branch also made a statement.

47. At the same meeting, the observer for Croatia proposed an amendment to paragraph 9 of the annex to the draft proposal, by which the words "a trial period of perhaps three years" would be replaced by the words "a trial period of a minimum of three to a maximum of five years".

48. The Commission then adopted the draft proposal, as orally amended (see chap. I, sect. A, draft resolution XII).

Appointment of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute

49. At the 12th meeting, on 4 May 1994, the Commission considered the question of the appointment of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute.

50. The following candidates had been nominated by the Secretary-General (see E/CN.15/1994/10/Add.1):

From Asia: Minoru Shikita (Japan) and Sushil Swarup Varma (India);

From Europe: Simone Rozes (France) and Jan J. M. Van Dijk (Netherlands).

51. The Chairman informed the Commission that Minoru Shikita (Japan) had withdrawn. The representative of Japan made a statement.

52. The Commission then selected Sushil Swarup Varma (India), by acclamation, and voted to select the member from Europe: Simone Rozes (France) (see chap. I, sect. B, draft decision I).

53. Statements were made by the representatives of Japan, France and Bolivia.

Chapter VII

PROGRAMME QUESTIONS

1. The Commission considered item 9 of its agenda at its 11th meeting, on 4 May 1994. It had before it the following documents:

(a) Note by the Secretary-General on the approved revisions to the medium-term plan for the period 1992-1997 (E/CN.15/1994/CRP.11);

(b) Note by the Secretary-General on programme questions (E/CN.15/1994/CRP.12).

2. In introducing the item, the Chief of the Crime Prevention and Criminal Justice Branch recalled that, at its first session, the Commission had had before it the proposed revisions to programme 29 of the medium-term plan for the period 1992-1997 (E/CN.15/1992/CRP.1 and Corr.1). On the recommendation of the Commission, the Economic and Social Council had adopted resolution 1992/22. In section II of that resolution, the Council had taken note of the proposed revisions and had recommended the establishment, within programme 29, of a subprogramme on operational activities, planning and overall coordination. On the recommendation of the Committee for Programme and Coordination, the General Assembly had adopted resolution 47/214. In section I of that resolution, the Assembly had adopted the Secretary-General's proposed revisions to the medium-term plan, as amended. The subsequent decisions of the General Assembly, the Economic and Social Council and the Commission had been in line with the medium-term plan, as revised. Accordingly, no revisions were currently considered necessary.

3. The Chief of the Branch also recalled that, at its second session, on the recommendation of the Commission, the Economic and Social Council had adopted resolution 1993/31, in which it had taken note of the proposed programme of work in crime prevention and criminal justice for the biennium 1994-1995, submitted to the Commission at its second session, and had requested the Secretary-General to reflect it in the preparation of the programme budget for the biennium 1994-1995.

4. Section 13 (Crime control) of the proposed programme budget for the biennium 1994-1995 had been considered by the Committee for Programme and Coordination at its thirty-third session, which had recommended its approval by the General Assembly. Further to the review by the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee, the General Assembly had adopted resolutions 48/231 A to C on the programme budget for the biennium 1994-1995.

5. The provision of an additional interregional adviser and other funds for technical cooperation to the United Nations crime prevention and criminal justice programme was welcomed. The provision of funds under the regular budget for technical cooperation was said to signify the beginning of a process that, it was hoped, would lead to a strengthened United Nations crime prevention and criminal justice programme, capable of performing one of the primary functions entrusted to it by the international community, namely the provision of effective technical assistance in its field of competence. There was a need, however, for additional and consistent efforts to be made in that direction. In the short term, attention should be given to ensuring adequate support and

follow-up to the work of the interregional advisers, as well as to raising additional extrabudgetary funds.

6. Dissatisfaction was expressed over the documentation provided to the Commission on Crime Prevention and Criminal Justice under item 9. It was stated that the documents lacked clarity and did not provide adequate information to enable the Commission to exercise its functions. The detailed documents of the Commission on Narcotic Drugs on programming and budgetary matters were mentioned as a positive example. They provided a breakdown of both regular budget and extrabudgetary resources available to the United Nations International Drug Control Programme (UNDCP), thereby giving the members of the Commission on Narcotic Drugs the possibility of assessing the efficient use of resources and of making informed decisions about the various components of the Programme and the resources allocated to each of them. The Commission on Crime Prevention and Criminal Justice required more information and a better presentation of the relevant issues.

7. Concern was also expressed over the meagre resources available to the United Nations crime prevention and criminal justice programme, particularly those resources related to the capacity and expertise required to carry out its operational functions. It was noted that there were no resources available to meet emergency needs, in accordance with the mandates of the Economic and Social Council and the Commission on Crime Prevention and Criminal Justice.

8. In replying to questions that had been raised on item 9, the Chief of the Crime Prevention and Criminal Justice Branch drew the attention of the Commission to the fact that the budgetary process fell under the competence of the General Assembly and its relevant advisory bodies. The presentation of the programme budget was uniform for all programmes of the United Nations. The Commission on Narcotic Drugs had a mandate different from that of the Commission on Crime Prevention and Criminal Justice with respect to budgetary issues, particularly regarding the extrabudgetary funds of UNDCP.

Chapter VIII

PROVISIONAL AGENDA FOR THE FOURTH SESSION OF THE COMMISSION

1. The Commission considered item 10 of its agenda at its 15th meeting, on 6 May 1994. It had before it a note by the Secretariat containing the draft provisional agenda and documentation for the fourth session (E/CN.15/1994/L.28).

2. The Chief of the Crime Prevention and Criminal Justice Branch introduced and amended the draft provisional agenda.

3. Following statements by the representatives of Finland and France and the observers for Canada, Spain and Argentina, as well as by the Chief of the Crime Prevention and Criminal Justice Branch, the Commission approved the provisional agenda for its fourth session, as orally amended, for submission to the Economic and Social Council (see chap. I, sect. B, draft decision III).

4. Also at the 15th meeting, the Commission, on the proposal of the Chairman, adopted a draft decision on the organization of work for its fourth session (see chap. I, sect. B, draft decision II).

5. Before the draft decision was adopted, statements were made by the representative of Finland and the observers for Spain and Canada.

Chapter IX

ADOPTION OF THE REPORT OF THE COMMISSION ON ITS THIRD SESSION

1. At the 15th meeting, on 6 May 1994, the Rapporteur introduced the draft report of the Commission on its third session (E/CN.15/1994/L.2 and Add.1-6).

2. Following statements by the representatives of France and Morocco and the observers for Argentina, Egypt, Spain and Canada, the Commission adopted the report, as orally amended during the discussion.

Chapter X

ORGANIZATION OF THE SESSION

A. Opening and duration of the session

1. The Commission on Crime Prevention and Criminal Justice held its third session at Vienna from 26 April to 6 May 1994. The Commission held 15 meetings (1st to 15th) and a number of informal meetings.

2. The third session was opened by the Chairman of the second session, Ireneusz Matela (Poland), who stated that, as the body responsible for policy guidance in the field of crime prevention and criminal justice, the Commission should ensure that all was done to stem the rising tide of crime and to contribute to the pursuit of justice, including the mobilization of support from Member States and the strengthening of cooperation with other United Nations bodies. He paid tribute to Giovanni Falcone and Luigi Daga, former members of the delegation of Italy to the Commission, whom he described as staunch supporters of the United Nations crime prevention and criminal justice programme, great defenders of human rights and men who had stood at the forefront of the fight against violence, organized crime and corruption - and whose untimely deaths had been brought about by terrorist attacks. The Commission observed a minute of silence in their memory.

3. Following her election, the Chairperson of the third session, Zenaida Osorio Vizcaino (Cuba), thanked the members of the Commission for the confidence they had placed in her and pledged her commitment to ensuring the success of the session. Noting the growing importance of the Commission, as reflected in the level of participation and the technical and professional qualifications of its participants, she stressed the need to be guided by the statement of principles and programme of action of the United Nations crime prevention and criminal justice programme, which were aimed at achieving practical global cooperation by addressing pressing crime problems and their effects on national and international progress, development and peace. Particular attention had to be paid to the problems of developing countries, bearing in mind the close relationships between crime and socio-economic conditions. While Member States should engage in multilateral global efforts in search of solutions, they should not neglect to take the necessary national measures to combat transnational organized crime, including drug trafficking, money-laundering and the use of tax havens. That was one of the greatest challenges to humanity as it stood on the threshold of the twenty-first century.

4. In his introductory statement, the Director-General of the United Nations Office at Vienna noted that the third session represented a significant step in the direction envisaged by the international community at the Versailles Ministerial Meeting, bringing the United Nations crime prevention and criminal justice programme closer to a new phase, while still requiring further refinement and strengthening to become truly effective. Meeting after the conclusion of the five regional preparatory meetings for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the Commission, as the preparatory body for the congresses, should pay particular attention to the organizational and substantive preparations. Reiterating his appreciation for the kind invitations of the Governments of Egypt and Tunisia to act as host to the Ninth Congress, he informed the Commission that, based on consultations between the two Governments, it had been agreed that the Ninth Congress would be held at Tunis. He thanked the

Governments that had contributed to the holding of the regional preparatory meetings, in particular the Governments of Costa Rica, Jordan, Thailand and Uganda. He also thanked the United Nations regional commissions and the regional institutes for the prevention of crime and the treatment of offenders for having contributed to the success of those meetings.

5. The Director-General also noted that, with the end of the cold war, society had become more open; the Ninth Congress - one of the first international events during the celebrations marking the fiftieth anniversary of the United Nations - would take place in the context of challenging influences that were redefining the basis on which States had interacted for decades. The Ninth Congress not only should accomplish its institutional task at the technical level, but also should confront the policy implications of the above-mentioned epochal changes in its efforts to devise ways and means of safeguarding law and order and to identify the course of action necessary to keep crime under control, through the strengthening of international cooperation, the sharing of experiences and the provision of technical assistance.

6. The Director-General stated that many of the problems that countries faced and that needed an adequate response at the international level stemmed from the activities of organized crime syndicates, which had significantly spread their operations across the globe. He expressed his appreciation to the Italian Government for offering to act as host to the World Ministerial Conference on Organized Transnational Crime and the International Conference on Laundering and Controlling Proceeds of Crime: A Global Approach, organized in cooperation with the International Scientific and Professional Council, in an effort to ensure concerted action. The international community had an obligation to seek new and more effective means of cooperation and mutual assistance. The wish of the Commission to build and maintain the institutional capacity of the United Nations crime prevention and criminal justice programme in order to establish a stronger basis for international action could be fully realized only if there was a more adequate resource base, bridging the gap between the recommendations made at the substantive level and the action taken in terms of budgetary implications.

7. The breakdown of political and criminal justice systems in various countries was paving the way for flagrant disregard for any modicum of normative conduct, for gross violations of human rights and for the flourishing of criminality. The United Nations crime prevention and criminal justice programme had the responsibility to respond, as experience in Cambodia, El Salvador and Somalia had demonstrated. Furthermore, more cooperation and coordination between international organizations working on crime-related issues had to be pursued, such as that which existed between the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice. Given the natural link between crime and illicit drugs, especially in countries in transition, the merits of closer interaction between the two bodies were self-evident, as was the need to remedy the disproportion between the funding of the United Nations programmes in those areas.

8. The Chief of the Crime Prevention and Criminal Justice Branch noted there was an increased consciousness of the "common responsibility of all for the precarious fate of some". The blueprint for activities of the Commission had to be refined and further elaborated in a practical spirit. Things were moving fast, and the Commission was adapting to the pace, as evidenced by its recommendations on the forthcoming World Ministerial Conference and the Ninth Congress.

9. The Chief of the Branch recalled that, in the message he had sent from Cambodia to the Commission at its second session, he had referred to a recurrent theme heard in the villages of that country during the transition that the United Nations was assisting it in, namely that justice was a precondition for peace. As long as there was no justice, there would always be someone out in the jungle with a gun, looking for revenge. For that reason, the international community was looking to the Commission to help end the law of the jungle and to reinstate the rule of law, particularly in the interest of reinforcing democracy, pluralism and good governance.

B. Attendance

10. The session was attended by representatives of 37 States members of the Commission. Observers for other States Members of the United Nations and for non-member States, representatives of organizations of the United Nations system and observers for intergovernmental, non-governmental and other organizations also attended. A list of participants is given in annex I to the present report.

C. Election of officers

11. At its 1st meeting, on 26 April, the Commission elected the following officers by acclamation:

Chairman: Zenaida Osorio Vizcaino (Cuba)

Vice-Chairmen: Habib Ammar (Tunisia)
Seyed Mojtaba Arastou (Islamic Republic of Iran)
Ferdinand Mayrhofer-Grünbühel (Austria)

Rapporteur: Győző Somogyi (Hungary)

D. Agenda and organization of work

12. At its 1st meeting, on 26 April, the Commission adopted its provisional agenda, contained in document E/CN.15/1994/1 (see annex II to the present report).

13. Also at the 1st meeting, following statements by the representative of the United States of America and the Chief of the Crime Prevention and Criminal Justice Branch, as well as by the Secretary, who made a correction to the organization of work, the Commission approved the organization of work for the session, contained in document E/CN.15/1994/L.1.

E. Documentation

14. The documents before the Commission at its third session are listed in annex III to the present report.

F. Consultations with non-governmental organizations

15. Written statements submitted by non-governmental organizations in accordance with rule 76 of the rules of procedure of the functional commissions of the Economic and Social Council (E/5975/Rev.1) are listed in annex III to the present report.

Annex I

ATTENDANCE

Members*

Australia:	Geoffrey Dabb, Roslyn Simms, Mark Higgie
Austria:	Ferdinand Mayrhofer-Grünbühel, Irene Freudenschuss, Roland Miklau, Emil Tellian, Harald Tiegs, Gabriele Loidl, Irene Gartner, Fritz Zeder, Karl Drexler
Bolivia:	Benjamin Miguel Harb, María Tamayo de Arnal, Alvaro Del Pozo Carafa
Brazil:	Tereza Maria M. Quintella, Edmundo Alberto Branco de Oliveira, Antonio Humberto C. A. F. Braga, Marcelo Baumbach, Amauri Serralvo
Bulgaria:	Antonina Stoyanova, Nikola Rachev
China:	Wang Julu, Chen Shiqiu, Wang Lixian, Huang Yong-an, Lin Chongfei, Zhu Ji-qing, Guo Jian-an, Li Xiao-yi, Chen Min
Colombia:	María Teresa Betancur de González, Beatriz Linares, Cesar Castillo Dussan, Astrid Valladares Martínez, Adriana Mendoza Agudelo, Sandra Ceballos Arevalo, Antonio José Cancino, Alicia Quijano Castro, Emilsen de Cancino
Cuba:	Zenaida Osorio Vizcaino, Aracelys Careaga, Eliseo Zamora Hernandez
Finland:	Teuvo Kallio, Matti Joutsen, Hanna Bjorkman
France:	Marcel Tremeau, Daniel Labrosse, Marie-Pierre De Liège, Alain Putz, René Brégeon, Christope Guilhou, Pierre Brethes, Antoine Buchet, Jean-Paul Duprat, Marie-Anne Chapelle, Dominique Ducrocq, Eliane Rinaldo
Germany:	Karl Borchard, Konrad Hobe, Manfred Mohrenschlager, Alfred Protz, Rainer Hofmeyer, Jakob Haselhuber, Gerda Buchalla, Lorenz Bastian
Ghana:	Kojo Amoo-Gottfried
Hungary:	Károly Bard, Endre Bocz, Klára Nemethine Bokor, Mária Hajdu, Győző Somogyi
Indonesia:	Muladi, Agus Tarmidzi, Harimas, Ghaffar Fadyl, Wenny Warauw, Zulkarnaen Yunus, Yasril A. Baharuddin, I. Gusti Agung Wesaka Puja

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* Congo, Sierra Leone and Zaire were not represented at the session.

Iran (Islamic Republic of):	Seyed Mojtaba Arastou, Mehdi Mir Afzal, Esmaeil Afshari, Ali Mousavi
Italy:	Liliana Ferraro, Alberto Schepisi, Vitaliano Esposito, Francesco Di Maggio, Gioacchino Polimeni, Eugenio Selvaggi, Livia Pomodoro, Maurizio Ludovici, Elisabetta Belgiorno, Bruno Frattasi, Vincenzo Granito, Claudio Vaccaro
Japan:	Yuki Furuta, Jiro Ono, Tadanori Inomata, Takayuki Aonuma, Yasutoshi Murakami, Keisuke Senta, Akihisa Kato, Takayoshi Tsuda, Kunio Nakamura, Souichiro Isobe, Kunihiro Horiuchi, Tomoko Sasaki
Madagascar:	Victor Ramanitra
Malawi:	James Barnabas Kalaile, Rizine R. Mzikamanda, Esau C. Kalemba
Malaysia:	Arshad Samsuri, Serap Salihudin, Tun Abdul Majid Tuniiamzaii
Morocco:	Mohamed El Habib Fassi Fihri, Omar Doumou, Mohamed Ouachrif, Ahmed El Ghernougui, Mohamed Arrouchi
Nicaragua:	Xavier Arguello, Sonia Roa
Nigeria:	Idowu Folami, Hassan Jega, Mclean Igonikon Omuso
Pakistan:	Samuel Thomas Joshua, Farman Ullah
Paraguay:	Carlos Peyrat, José Emilio Gorostiaga
Peru:	Victor Pérez Liendo, Manuel Avila Traverso, Peter Camino Cannock
Philippines:	Reynaldo O. Arcilla, Victoria S. Bataclan, Cicero C. Campos, Celia S. Leones, Faith Bautista
Poland:	Jerzy Jansinski, Ireneusz Matela, Igor Dzialuk
Republic of Korea:	See-Young Lee, Dae-Won Suh, Young-Ju Koh, Kie-Cheon Lee, Jung-Chan Kim, Youn Lee, Seong-Sik Lee
Russian Federation:	Eugene Alexandrovich Abramov, Yuri V. Zaitzev, Vildar Ouzbekov, Alexandre V. Zmeevski, Miklail P. Beliakov, P. G. Gorodetski, Boris S. Avramenko, Victor Pavlov, Nataliya Yurievna Goltsova, Serguei Tarasenko, Anatoli G. Radachinski, Irina V. Tkachova
Sri Lanka:	A. L. Abdul Azeez
Sudan:	Abdelrahman Ibrahim Elkhalifa, Ali Khalid Elhussein, Abdalla M. A. Abdalla, Ali Ahmed Hamid
Tunisia:	Habib Ammar, Ismail Ben Salah El Ayari, Taoufik Jabeur, Emna Lazoughli, Tahar Fellous Refat, Ezzeddine Gueddiche, Abdelhamid Ben Cheikh, Wajdi Ben Ahmed, Ahmed Chikhaoui

Uganda:	Florence Mugasha, Joseph Etima, Lucian Tibaruha, Richard Bisherurwa, Rosemary Semafumu
United Republic of Tanzania:	Elisabeth Mrema
United States of America:	Grant Smith, Beverly Zweibein, Michael Defeo, Thomas A. Johnson, Thomas G. Martin, Carol Annette Petsonk, Lois Schiffer, Eric E. Svendsen
Uruguay:	Miguel Langon Cunarro, José D. Lissidini, Carlos Bentacour, Roberto J. Melgar

States Members of the United Nations represented by observers

Afghanistan, Algeria, Angola, Argentina, Armenia, Belarus, Belgium, Canada, Chile, Costa Rica, Croatia, Czech Republic, Democratic People's Republic of Korea, Denmark, Ecuador, Egypt, Ethiopia, Gambia, Georgia, Greece, Guatemala, Guinea-Bissau, India, Iraq, Ireland, Israel, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Malta, Mexico, Nepal, Netherlands, Oman, Panama, Portugal, Qatar, Romania, Saudi Arabia, Senegal, Slovakia, South Africa, Spain, Sweden, Syrian Arab Republic, Thailand, Togo, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela, Viet Nam, Yemen, Zambia

Non-member States represented by observers

Holy See, Switzerland

United Nations

Centre for Human Rights, Office of the United Nations High Commissioner for Refugees, United Nations International Drug Control Programme, United Nations Interregional Crime and Justice Research Institute

Affiliated regional institutes and associated institutes

African Institute for the Prevention of Crime and the Treatment of Offenders, Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Australian Institute of Criminology, European Institute for Crime Prevention and Control, International Centre for Criminal Law Reform and Criminal Justice Policy, International Scientific and Professional Advisory Council, Latin American Institute for the Prevention of Crime and the Treatment of Offenders

Specialized agencies

United Nations Educational, Scientific and Cultural Organization

Intergovernmental organizations represented by observers

Arab Security Studies and Training Centre, Asian-African Legal Consultative Committee, Council of Arab Ministers of the Interior, Council of Europe, Commission of the European Communities, International Committee of the Red Cross, International Criminal Police Organization (INTERPOL), International Organization for Migration, League of Arab States

Other organizations represented by observers

Palestine

Non-governmental organizations

Category I: International Council for Adult Education (ICAE), International Council of Women, International Federation of Business and Professional Women, Soroptimist International, World Assembly of Youth, Zonta International

Category II: All India Women's Conference, Amnesty International, Asia Crime Prevention Foundation, Association for the Study of the World Refugee Problem, Caritas Internationalis (International Confederation of Catholic Charities), Centro Nazionale di Prevenzione e Difesa Sociale, Defense for Children International Movement, Friends World Committee for Consultation, Howard League for Penal Reform, Human Rights Watch, International Association of Judges, International Association of Juvenile and Family Court Magistrates, International Association of Penal Law, International Bar Association, International Commission of Jurists (ICJ), International Council of Jewish Women, International Council on Alcohol and Addictions (ICAA), International Federation of Human Rights, International Federation of Settlements and Neighbourhood Centres, International Society for Criminology, International Society of Social Defense, Italian Centre of Solidarity, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students), Prison Fellowship International (PFI), Save the Children Federation, World Jurist Association of the World Peace through Law Center, World Leisure and Recreation Association, World Organization of the Scout Movement (World Scout Bureau), World Society of Victimology, World Union of Catholic Women's Organizations

Roster: International Council of Psychologists, International Lesbian and Gay Association

Annex II

AGENDA OF THE THIRD SESSION

1. Election of officers.

2. Adoption of the agenda and organization of work.

3. Review of priority themes, in accordance with Commission resolution 1/1 on strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations crime prevention and criminal justice programme, including:

   (a) The role of criminal law in the protection of the environment;

   (b) Violence against women;

   (c) Preparations for the World Ministerial Conference on Organized Transnational Crime.

4. Implementation of Economic and Social Council resolutions 1992/22 and 1993/31.

5. Technical cooperation.

6. United Nations standards and norms in the field of crime prevention and criminal justice.

7. Preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

8. Cooperation and coordination of activities with other United Nations bodies and other entities.

9. Programme questions.

10. Provisional agenda for the fourth session of the Commission.

11. Adoption of the report of the Commission on its third session.

Annex III

LIST OF DOCUMENTS BEFORE THE COMMISSION AT ITS THIRD SESSION

Document symbol	Agenda item	Title or description
A/CONF.169/PM.1/ Add.1	7	Discussion guide on demonstration and research workshops to be held at the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders
A/CONF.169/RPM.1/ Rev.1 and Corr.1	7	Report of the Asia and Pacific Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Bangkok, 17-21 January 1994
A/CONF.169/RPM.2	7	Report of the African Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Kampala, Uganda, 14-18 February 1994
A/CONF.169/RPM.3 and Corr.1	7	Report of the European Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Vienna, 28 February-4 March 1994
A/CONF.169/RPM.4	7	Report of the Latin American and Caribbean Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, San José, Costa Rica, 7-11 March 1994
A/CONF.169/RPM.5	7	Report of the Western Asia Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Amman, 20-24 March 1994
E/1994/13		Progress made in the implementation of Economic and Social Council resolutions 1992/22 and 1993/31
E/CN.15/1994/1	2	Provisional agenda
E/CN.15/1994/2	3	Progress made on the fourth and fifth surveys of crime trends and operations of criminal justice systems, and other initiatives under way to acquire, process and distribute crime prevention and criminal justice data: report of the Secretary-General

Document symbol	Agenda item	Title or description
E/CN.15/1994/3	3	Progress made in the improvement of computerization in criminal justice management, with emphasis on strengthening national capacities for the collection, collation, analysis and utilization of data: report of the Secretary-General
E/CN.15/1994/4	3	Status of the preparations for the World Ministerial Conference on Organized Transnational Crime: report of the Secretary-General
E/CN.15/1994/4/Add.1	3	Report on the meeting of the Ad Hoc Expert Group on Implementing Legislation to Foster Reliance on Model Treaties, held at Vienna, from 18 to 21 October 1993
E/CN.15/1994/4/Add.2	3	Report on the meeting of the Ad Hoc Expert Group on More Effective Forms of International Cooperation against Transnational Crime, including Environmental Crime, held at Vienna, from 7 to 10 December 1993
E/CN.15/1994/4/Add.3	3	Conclusions and recommendations of the meeting of the Ad Hoc Expert Group on Managing the Risk of Violence in a Criminal Justice System: A Framework of Analysis, held at Chicago, United States of America, from 18 to 20 August 1993: report of the Secretary-General
E/CN.15/1994/5	3	Proposals made by Member States on specific objectives and activities, in accordance with Commission resolution 1/1 on strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations crime prevention and criminal justice programme: note by the Secretary-General
E/CN.15/1994/6	5	Technical cooperation and advisory services of the United Nations crime prevention and criminal justice programme, including appropriate mechanisms for the mobilization of resources: report of the Secretary-General
E/CN.15/1994/7	6	United Nations standards and norms in the field of crime prevention and criminal justice: report of the Secretary-General
E/CN.15/1994/8	7	Progress made in the preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report of the Secretary-General

Document symbol	Agenda item	Title or description
E/CN.15/1994/9	8	Cooperation and coordination of activities in crime prevention and criminal justice: report of the Secretary-General
E/CN.15/1994/10 and Corr.1	8	Activities of the United Nations Interregional Crime and Justice Research Institute and other institutes: progress report of the Secretary-General
E/CN.15/1994/10/Add.1	8	Nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute
E/CN.15/1994/11	7	Note verbale dated 18 April 1994 from the Embassy of the Republic of Argentina to the United Nations Office at Vienna
E/CN.15/1994/CRP.1	7	Ninth Joint Programme Coordinat[illegible] Meeting of the United Nations Cri[illegible] Preve[illegible] and Criminal Justice Progra[illegible] Network, held at Riyadh, from 24 to 25 Jan[illegible]ary 1994
E/CN.15/1994/CRP.2 and Corr.1	7	Consolidation of the recommendations of the five regional preparatory meetings
E/CN.15/1994/CRP.3	7	Expert Group Meeting on Mass Media and Crime Prevention, Riyadh, 26-27 January 1994: report of the Rapporteur
E/CN.15/1994/CRP.4	3 (a)	Report of the International Meeting of Experts on the Use of Criminal Sanctions in the Protection of the Environment, Internationally, Domestically and Regionally, held at Portland, Oregon, United States of America, from 19 to 23 March 1994
E/CN.15/1994/CRP.5	6	Draft Questionnaire on the Use and Application of the Basic Principles on the Independence of the Judiciary
E/CN.15/1994/CRP.6	6	Draft Questionnaire on the Use and Application of the Standard Minimum Rules for the Treatment of Prisoners
E/CN.15/1994/CRP.7	6	Draft Questionnaire on the Use and Application of the Code of Conduct for Law Enforcement Officials, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
E/CN.15/1994/CRP.8	6	Draft Questionnaire on the Use and Application of the Basic Principles of Justice for Victims of Crime and Abuse of Power

Document symbol	Agenda item	Title or description
E/CN.15/1994/CRP.9	5	Operational activities completed by or proposed to the United Nations Crime Prevention and Criminal Justice Branch since the second session of the Commission on Crime Prevention and Criminal Justice (April 1993)
E/CN.15/1994/CRP.10	7	Proposed guidelines for the prevention of urban crime
E/CN.15/1994/CRP.11	9	Approved revisions to the medium-term plan for the period 1992-1997: note by the Secretary-General
E/CN.15/1994/CRP.12	9	Note by the Secretary-General
E/CN.15/1994/INF/1	-	Information for participants
E/CN.15/1994/L.1		Proposed organization of work of the Commission on Crime Prevention and Criminal Justice at its third session
E/CN.15/1994/L.2 and Add.1-6	11	Draft report of the Commission
E/CN.15/1994/L.3	6	Argentina, Bolivia and Uruguay: draft resolution
E/CN.15/1994/L.4	3	Italy: draft resolution
E/CN.15/1994/L.4/ Rev.1	3	Armenia, Belarus, Belgium, Bulgaria, Canada, China, Croatia, Ethiopia, France, Greece, Hungary, Israel, Italy, Malta, Nigeria, Philippines, Poland, Portugal, Romania, Russian Federation, Saudi Arabia, Spain, Tunisia, Turkey, Uganda, United Arab Emirates, United States of America and United Kingdom of Great Britain and Northern Ireland: revised draft resolution
E/CN.15/1994/L.5	3	Argentina, Australia, Canada, Finland, Germany, Netherlands, Poland and United States of America: draft resolution
E/CN.15/1994/L.5/ Rev.1	3	Argentina, Australia, Austria, Canada, Finland, Germany, Greece, Morocco, Netherlands, Poland, Sweden, Turkey and United States of America: revised draft resolution
E/CN.15/1994/L.6	3	Italy: draft resolution

Document symbol	Agenda item	Title or description
E/CN.15/1994/L.6/ Rev.1	3	Armenia, Belarus, Bulgaria, Croatia, Georgia, Germany, Italy, Jordan, Romania, Russian Federation, Saudi Arabia, Uganda, United States of America and Uruguay: revised draft resolution
E/CN.15/1994/L.7	4	Austria: draft resolution
E/CN.15/1994/L.7/ Rev.1	4	Austria, Bolivia, Croatia, Egypt, Finland, Israel and Netherlands: revised draft resolution
E/CN.15/1994/L.8	3	Finland and United States of America: draft resolution
E/CN.15/1994/L.8/ Rev.1	3	Finland, Germany, Mexico, Philippines, Poland, Turkey and United States of America: revised draft resolution
E/CN.15/1994/L.9	4	Argentina, Austria, Bolivia, Egypt, France, Germany, Iran (Islamic Republic of), Israel, Italy, Philippines, Portugal, Saudi Arabia, Spain, Tunisia, Turkey and Uganda: draft resolution
E/CN.15/1994/L.10	6	Draft resolution submitted by Habib Ammar (Tunisia), Vice-Chairman of the Commission, on the basis of informal consultations
E/CN.15/1994/L.11	3	Argentina, Australia, Austria, Belgium, Brazil, Canada, Colombia, Egypt, Finland, Germany, Libyan Arab Jamahiriya, Malta, Morocco, Netherlands, Nigeria, Philippines, Poland, Portugal, Republic of Korea, Saudi Arabia, Spain, Sweden, Tunisia, Turkey, Uganda and United Kingdom of Great Britain and Northern Ireland: draft resolution
E/CN.15/1994/L.11/ Rev.1	3	Argentina, Australia, Austria, Belgium, Brazil, Canada, Colombia, Egypt, Finland, Germany, Kuwait, Libyan Arab Jamahiriya, Malta, Morocco, Netherlands, Nigeria, Philippines, Poland, Portugal, Republic of Korea, Saudi Arabia, Spain, Sweden, Tunisia, Turkey, Uganda and United Kingdom of Great Britain and Northern Ireland: revised draft resolution

Document symbol	Agenda item	Title or description
E/CN.15/1994/L.11/ Rev.2	3	Angola, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Canada, Colombia, Croatia, Egypt, Ethiopia, Finland, Georgia, Germany, Hungary, Italy, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malta, Morocco, Netherlands, Nigeria, Philippines, Poland, Portugal, Republic of Korea, Saudi Arabia, Spain, Sweden, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and Uruguay: revised draft resolution
E/CN.15/1994/L.12	3	Angola, Argentina, Bolivia, Brazil, Canada, Chile, Croatia, Egypt, Germany, Italy, Lebanon, Nigeria, Paraguay, Philippines, Saudi Arabia, Spain and Tunisia: draft resolution
E/CN.15/1994/L.13	6	Report of the open-ended in-sessional working group on United Nations standards and norms in crime prevention and criminal justice, chaired by Habib Ammar (Tunisia), Vice-Chairman of the Commission
E/CN.15/1994/L.14	8	Angola, Egypt, Gambia, Libyan Arab Jamahiriya, Morocco, Malawi, Nigeria, Sri Lanka, Sudan, Tunisia, Uganda and Zambia: draft resolution
E/CN.15/1994/L.15	8	Bolivia, Ethiopia, Gambia, Libyan Arab Jamahiriya, Malawi, Nigeria, Sudan, Tunisia, Uganda and Zambia: draft resolution
E/CN.15/1994/L.16	8	Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Canada, Chile, Colombia, Croatia, Egypt, Finland, France, Germany, Iran (Islamic Republic of), Israel, Italy, Kuwait, Lebanon, Nigeria, Philippines, Poland, Portugal, Republic of Korea, Russian Federation, Saudi Arabia, Spain, Sri Lanka, Sweden, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution
E/CN.15/1994/L.17	6	Armenia, Belarus, Bulgaria, Canada, Finland, Germany, Italy, Poland, Russian Federation, Spain, Sri Lanka, United Kingdom of Great Britain and Northern Ireland and Uruguay: draft resolution
E/CN.15/1994/L.18	4	Draft resolution submitted by Ferdinand Mayrhofer-Grünbühel (Austria), Vice-Chairman of the Commission, on the basis of informal consultations held on draft resolution E/CN.15/1994/L.9

Document symbol	Agenda item	Title or description
E/CN.15/1994/L.19	3	Draft resolution submitted by Ferdinand Mayrhofer-Grünbühel (Austria), Vice-Chairman of the Commission, on the basis of informal consultations held on draft resolution E/CN.15/1994/L.5/Rev.1
E/CN.15/1994/L.20	7	Report of the informal open-ended working group on agenda item 7 (Preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders)
E/CN.15/1994/L.21	6	Draft resolution submitted by Ferdinand Mayrhofer-Grünbühel (Austria), Vice-Chairman of the Commission, on the basis of informal consultations held on draft resolution E/CN.15/1994/L.3
E/CN.15/1994/L.22	3	Draft resolution submitted by Ferdinand Mayrhofer-Grünbühel (Austria), Vice-Chairman of the Commission, on the basis of informal consultations held on draft resolution E/CN.15/1994/L.12
E/CN.15/1994/L.23	8	Draft resolution submitted by Ferdinand Mayrhofer-Grünbühel (Austria), Vice-Chairman of the Commission, on the basis of informal consultations held on draft resolution E/CN.15/1994/L.15
E/CN.15/1994/L.24	8	Austria, Canada, Finland, France, Tunisia and United Kingdom of Great Britain and Northern Ireland: draft proposal
E/CN.15/1994/L.25	7	Draft resolution submitted by Ferdinand Mayrhofer-Grünbühel (Austria), Vice-Chairman of the Commission, on the basis of informal consultations
E/CN.15/1994/L.26	3	Draft resolution submitted by Ferdinand Mayrhofer-Grünbühel (Austria), Vice-Chairman of the Commission, on the basis of informal consultations held on draft resolution E/CN.15/1994/L.4/Rev.1
E/CN.15/1994/L.27	3	Draft resolution submitted by Ferdinand Mayrhofer-Grünbühel (Austria), Vice-Chairman of the Commission, on the basis of informal consultations held on draft resolution E/CN.15/1994/L.6/Rev.1
E/CN.15/1994/L.28	10	Provisional agenda and documentation for the fourth session of the Commission on Crime Prevention and Criminal Justice

Document symbol	Agenda item	Title or description
E/CN.15/1994/NGO/1	8	Statement submitted by Centro Nazionale di Prevenzione e Difesa Sociale, a non-governmental organization in consultative status with the Economic and Social Council (category II)
E/CN.15/1994/NGO/2	6	Statement submitted by the following non-governmental organizations in consultative status with the Economic and Social Council: International Council for Adult Education (ICAE), International Council of Women and Zonta International (category I); All-India Women's Conference, Caritas Internationalis (International Confederation of Catholic Charities), Defense for Children International Movement, Howard League for Penal Reform, International Abolitionist Federation, International Association of Juvenile and Family Court Magistrates, The International Association of Lions Clubs - Lions Club International, International Centre of Sociological Penal and Penitentiary Research and Studies, International Federation of University Women, Italian Center of Solidarity, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students), Penal Reform International, Prison Fellowship International (PFI), The Salvation Army, World Leisure and Recreation Association (category II); and International Association of Residential and Community Alternatives (Roster)
E/CN.15/1994/NGO/3	7	Statement submitted by the following non-governmental organizations in consultative status with the Economic and Social Council: International Council of Women, International Federation of Business and Professional Women and Zonta International (category I); All India Women's Conference, Friends World Committee for Consultation, International Abolitionist Federation, International Federation of University Women, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students), The Salvation Army, World Federation of Methodist Women (WFMW) and World Union of Catholic Women's Organizations (category II); and Helpage International and International Inner Wheel (Roster)

Document symbol	Agenda item	Title or description
E/CN.15/1994/NGO/4	7	Statement submitted by the following non-governmental organizations in consultative status with the Economic and Social Council: International Council for Adult Education (ICAE) (category I); Arab Lawyers Union, International Association of Juvenile and Family Court Magistrates, International Institute of Humanitarian Law and World Confederation of Organizations of the Teaching Profession (category II); and International Association of Educators for World Peace, International Council for Distance Education and International Humanist and Ethical Union (Roster)
E/CN.15/1994/NGO/5	7	Statement submitted by Asia Crime Prevention Foundation, a non-governmental organization in consultative status with the Economic and Social Council (category II)
E/CN.15/1994/NGO/6	3	Statement submitted by the International Association of Juveni e and Family Court Magistrates, a non-governmental organization in consultative status with the Economic and Social Council (category II)
E/CN.15/1994/NGO/7	6	Statement submitted by Human Rights Watch, a non-governmental organization in consultative status with the Economic and Social Council (category II)